Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

AIR

Small Business:

Nο

Location(s) Where Violation(s) Occurred:

Valero Corpus Christi Refinery West Plant ("Plant 1"), 5900 Up River Road, Corpus Christi,

Nueces County; and

Valero Refining Texas City Refinery ("Plant 2"), 1301 Loop 197 South, Texas City, Galveston County.

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, RN100214386: Docket Nos.

2009-0116-IHW-E and 2010-0909-MLM-E. RN100238385: Docket Nos. 2010-0909-

MLM-E and 2011-0991-AIR-E.

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 15, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$591,798

Amount Deferred for Expedited Settlement: \$0 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$295,899

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$295,899

Name of SEP: Texas PTA - Texas PTA Clean School Buses

Compliance History Classifications:

Person/CN - Average Site/RN - Average

Major Source: Yes

Statutory Maximum Limit Adjustment: (RN100214386): \$212,010 Statutory Maximum Limit Adjustment: (RN100238385): \$40,900

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A Complaint Information: N/A

Date(s) of Investigation: December 10, 2008 through April 6, 2009; December 28,

2009; March 17, 2010

Date(s) of NOE(s): April 14, 2009; May 21, 2010; May 24, 2010

Violation Information

- 1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 897,677 pounds ("lbs") of volatile organic compounds ("VOC"), including 14,615 lbs of hazardous air pollutants ("HAP"), from a leak in a product exchanger (Equipment No. 22-E-07) in the Heavy Oil Cracking ("HOC") Unit Cooling Tower during an emissions event (one event reported as Incident Nos. 111485 and 118109) that began May 27, 2008 and lasted 2,382 hours. The leak was discovered on May 27, 2008 and repaired September 3, 2008. The cause of the leak could not be determined based on information provided. Since this emissions event was determined to be excessive and it was improperly reported, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222 [30 Tex. Admin. Code § 116.715(a) and (c)(7), Tex. Health & Safety Code § 382.085(b) and Flexible Permit Nos. 38754 and PSDTX324M13, Special Conditions No. 1].
- 2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 245,159 lbs of VOCs, including 51,829 lbs of HAPs, from a leak in a product exchanger (Equipment No. 22-E-18B) in the HOC Unit Cooling Tower during an emissions event (Incident No. 114252) that began September 18, 2008 and lasted 229 hours and 30 minutes. The cause of the leak could not be determined based on information provided. Since this emissions event was determined to be excessive, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222 [30 Tex. Admin. Code § 116.715(a) and (c)(7), Tex. Health & Safety Code § 382.085(b) and Flexible Permit Nos. 38754 and PSDTX324M13, Special Conditions No. 1].
- 3. Failed to submit the initial notification and final report for an emissions event initially reported as two incidents (Incident Nos. 118109 and 111485) in a timely manner [30 Tex. Admin. Code § 101.201(a)(1), (b) and (c) and Tex. Health & Safety Code § 382.085(b)].
- 4. Failed to prevent unauthorized emissions. Specifically, 553.8 lbs of nitrogen oxides, 31,498 lbs of sulfur dioxide ("SO2"), 120.7 lbs of ammonia, 4,000.4 lbs of carbon monoxide, 1,259.5 lbs of hydrogen sulfide ("H2S"), and 37,597.4 lbs of VOC were released into the atmosphere due to the failure of a coupling on a crude charge pump to the No. 3 Crude Unit during startup that resulted in a fire (Incident No. 133651). The emissions event that occurred on December 24, 2009, lasted three hours and 56 minutes. Since the emissions event was avoidable by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin.

CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.715(a) and 101.20(3), TEX. HEALTH & SAFETY CODE § 382.085(b), and Flexible Permit Nos. 39142 and PSDTX822M2, Special Conditions No. 1].

- 5. Failed to include the compound descriptive types in the final report [30 Tex. Admin. Code § 101.201(b)(1)(G) and Tex. Health & Safety Code § 382.085(b)].
- 6. Failed to prevent unauthorized emissions. Specifically, 1,999.90 lbs of SO2 and 21.66 lbs of H2S were released into the atmosphere due to the pressure build-up in the No. 2 Tail Gas Unit Absorber which resulted in amine carryover from the tower (Incident No. 134380). The emissions event, which began on January 12, 2010, lasted 48 hours. Since the emissions event was avoidable by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222 [30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), Tex. Health & Safety Code § 382.085(b), and Flexible Permit Nos. 39142 and PSDTX822M2, Special Conditions No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent has implemented the following corrective measures at Plant 1:

- a. Submitted a Corrective Action Plan on June 12, 2009; which was revised, approved, and implemented by April 15, 2011; in response to Incident Nos. 111485, 118109, and 114252 at the HOC Unit Cooling Tower; and
- b. Reviewed, updated and re-trained, as necessary, its emissions event calculating and reporting procedures by January 7, 2009.

Technical Requirements:

- 1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
- 2. The Order will also require the Respondent to:
- a. Within 30 days:
- i. Implement measures designed to prevent a recurrence of emissions events due to the same cause as Incident No. 133651;
- ii. Implement procedures to ensure that the final record for a reportable emissions event complies with 30 Tex. Admin. Code § 101.201(b)(1); and

iii. Implement measures designed to prevent a recurrence of emissions events due to the same cause as Incident No. 134380.

b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Trina Grieco, Enforcement Division,

Enforcement Team 5, MC R-13, (210) 403-4006; Debra Barber, Enforcement Division,

MC 219, (512) 239-0412

TCEQ SEP Coordinator: Phillip Hampsten, SEP Coordinator, Enforcement Division,

MC 219, (512) 239-6732

Respondent: Dennis Payne, Vice President and General Manager, Valero Refining-

Texas, L.P., P.O. Box 9370, Corpus Christi, Texas 78469

Salvatore Viscontini, Senior Vice President and General Manager, Valero Refining-

Texas, L.P., P.O. Box 9370, Corpus Christi, Texas 78469

Respondent's Attorney: N/A

Attachment A Docket Number: 2010-0924-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Valero Refining-Texas, L.P.

Penalty Amount: Five Hundred Ninety-One Thousand Seven

Hundred Ninety-Eight Dollars (\$591,798)

SEP Offset Amount: Two Hundred Ninety-Five Thousand Eight

Hundred Ninety-Nine Dollars (\$295,899)

Type of SEP: Pre-approved

Third-Party Recipient: Texas PTA – Texas PTA Clean School Buses

Location of SEP: Texas Air Quality Control Region 214 – Corpus

Christi-Victoria (Nueces County preferred)

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas PTA** for the *Texas PTA Clean School Bus Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

Valero Refining-Texas, L.P. Agreed Order - Attachment A

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions from buses by more than 90% below today's level and by reducing hydrocarbons.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Director of Finance Texas PTA 408 W. 11th Street Austin, Texas 78701

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

Valero Refining-Texas, L.P. Agreed Order - Attachment A

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division Attention: SEP Coordinator, MC 175 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 Assigned 20-Apr-2009 PCW 6-Jun-2011 Screening 27-Apr-2009 EPA Due 9-Jan-2010 RESPONDENT/FACILITY/INFORMATION Respondent Valero Refining-Texas, L.P. (Plant 1) Reg. Ent. Ref. No. RN100214386 Facility/Site Region 14-Corpus Christi Major/Minor Source Major CASE INFORMATION No. of Violations 3 Enf./Case ID No. 39831 Docket No. 2010-0924-AIR-E Order Type Findings Government/Non-Profit No Media Program(s) Air Multi-Media Enf. Coordinator Trina Grieco EC's Team Enforcement Team 5 Admin, Penalty \$ Limit Minimum Maximum Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$250,200 ADJUSTMENTS (+/+) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 112.0% Ethancement Subtotals 2, 3, & \$280,224 Enhancement for three NOVs with same or similar violations, 12 NOVs. with dissimilar violations, one 1660 Agreed Order and one Court Order Notes with a denial of liability, and one Findings Order without a denial of liability: Reduction for two notices of audits. 0.0% Enhancement Subtotal 4 \$0 **Culpability** No The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$50 \$0 Economic Benefit 0.0% Enhancement Subtotal 6 Total EB Amounts Capped at the Total EB \$ Amount \$784 Approx. Cost of Compliance \$5,000 SUM OF SUBTOTALS 1-7 \$530,374 \$250,200 OTHER FACTORS AS JUSTICE MAY REQUIRE 47.2% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage. The Executive Director recommends an upward adjustment due to the Notes significant amount of emissions alleged in Violation No. 2. Final Penalty Amount \$780,574 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$568,564 DEFERRAL 0:0% Reduction : Adjustment \$0 Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

No deferral is recommended for Findings Orders,

\$568,564

Notes

PAYABLE PENALTY

Screening Date 27-Apr-2009

Docket No. 2010-0924-AIR-E

Respondent Valero Refining-Texas, L.P. (Plant 1)

Case ID No. 39831

Reg. Ent. Reference No. RN100214386

Media [Statute] Air

Enf. Coordinator Trina Grieco

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Compliance History Worksheet

Component	, and the second	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
	Other written NOVs	12	24%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	.	30%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2	-2%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0. 10.	0%
	Ple	ease Enter Yes or N	<u>0</u>
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Cuner	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	rcentage (Su	btotal 2
eat Violator	(Subtotal 3)		ACCOMMODISTRATION OF THE PROPERTY OF THE PROPE
No.	Adjustment Per	rcentage (Su	btotal 3

Average Performer

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with same or similar violations, 12 NOVs with dissimilar violations, one 1660 Agreed Order and one Court Order with a denial of liability, and one Findings Order without a denial of liability: Reduction for two notices of audits.

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Adjustment Percentage (Subtotal 7)

Screening Date	27-Apr-2009	Docket No. 2010-0924-AI	₹-E	PCW
	Valero Refining-Texas, L.P.	(Plant 1)	Policy Revision 2 (5	
Case ID No. Reg. Ent. Reference No.			PCW Revision C	october 30, 2008
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	ening Date		Docket No. 201	0-0924-AIR-E	PCW
		Valero Refining-Texas, L.P.	. (Plant 1)		on 2 (September 2002)
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	oordinator				
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	Rule Cite(s)		§ 116.715(a) and (c)(7), Tex. H	ealth & Safety Code §	
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			horized emissions. Specifically, t volatile organic compounds ("VC		
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		Notes	this Violation.		
		Notes	tris violation;	Violation Subtotal	\$150,000
Economic Bonz	SHEIGHRANGA				\$150,000
Economic Bene		this violation	en e st	atutory EmitErest	
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Permit Costs	And Spirits	and the second with the		0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	27-May-2008	15-Jul-2011		\$784	n/a	\$784
Notes for DELAYED costs		in the HOC Unit	Cooling Tower.	The Dat	e Required is the	proper maintenance date of the emission es will be completed	
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	enterin	ig item (except	for one-time avoi	ded costs)
Disposal	and the second			0.00	\$0	\$0	· 55 - 50 · · · ·
Personnel	go		\$15\\$\\$\\$\\$\\$\\$\\$\\$\\$	0.00	\$0	\$0	
nspection/Reporting/Sampling	Partition &			0,00	\$0	\$0 5	∞ 50 ∞
Supplies/equipment	POLICE MENTAL PROPERTY OF THE		#01#11,000500000000000000000000000000000	0.00	\$0	\$0	\$0
Financial Assurance [2]	357000000000000		TANTA CONTRACTOR CONTRACTOR	0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	200	i in the later of the later		0.00	\$0	\$0	\$0
Other (as needed)	CS S.			0.00	\$0	\$0	***\$0
Notes for AVOIDED costs		encentros (g. 1905).					
Approx. Cost of Compliance		\$5,000]		ΙΑΤΟΤΑΙ	2	\$784

	ening Date			et No: 2010-0924-AIR-E		PCW
Emiliar and a contract of the	The second secon	Valero Refining-Texas, L	.P. (Plant 1)		-	2 (September 2002)
Reg. Ent. Ref	ase ID No.				PCW Revis	sion October 30, 2008
	a [Statute]					
	oordinator			•		
Viola	ation Number					
WHITE STATES	Rule Cite(s)			c)(7), Tex. Health & Safety (and PSDTX324M13, Special (Adjustic - Artistage - Artista
array de la constante de la co		202,003(b), dilies (10x)	No. 1	on, a gor agreem, also armadi, also received also been see		100
100		Falled to prevent unau	uthorized emissions. :	Specifically, the Respondent	released	
				is of HAPs, from a leak in a p he HOC Unit Cooling Tower d		materials for the
				began September 18, 2008		
Violatio	n Description			ieak could not be determined		
				event was determined to be e an affirmative defense unde		Communication Co
		are respondent to pre-	Admin, Code §			
The second secon		La di più i de la companio di la com		Bas	e Penalty	\$10,000
>> Environme	ntal. Proper	ty and Human Hea	Ith Matrix		_	
The second section of the section of the second section of the second section of the second section of the section of t		Harn	n		•	
OR	Release Actual	Major Modera	ate Minor			
Symptomic Section (1997) And Control (1997) And Con	Potential		produce and	Percent 100%		ф. ф. с.
		The second of th			•	LLIA
>>Programma	tic Matrix == Falsification	Major Modera	ate Minor			
September 19 Control of Control o				Percent 0%		Andrew Ave
	Hüman hea	Ith or the environment ha	as been exposed to a	significant amount of polluta	ints that	aariki saca
Matrix	exceed leve	els protective of human h	ealth or environment	al receptors. On the days du	ring and	Appellance
Notes	immediatel	y following the event, ozo	one levels in Corpus (calendar year 2008	Christi were the highest mea:	sured in	***************************************
			calendar years2000.		40	***************************************
				Adjustment	<u>\$0</u>	\$10,000
Violation Event	ie .		T.			
TO TO TO THE TOTAL PROPERTY OF THE TOTAL PRO		Violation Events 10		10 Number of violation	dave	and the second
	Number of	VIOIAUOTI EVERES		ramber of Violation	auys	yaasee da
		=daily=====x×				*
Parking		weekly monthly				a parameter and a parameter an
**************************************	mark only one	quarterly		Violation Bas	se Penalty	\$100,000
	with an x	semiannual			,	
		annual ==	30(0,50) 5 (20) 5 (20)			. unanana
		single event-				and the same of th
Probability	Ten dally o	vento are recommendos.	naced on the Center	ber 18, 2008 through Septer	mber 28	
	rentany e		s event (229 hours ar			
	[** ** ** ** ** ** ** ** ** ** ** ** **					
Good Faith Effe	orts to Com		.0% Reduction			\$0
		Before N Extraordinary		tiement Offer		
•		Ordinary				
1378.00			(mark with x)		_	
en e		The Res	spondent does not me	eet the good faith criteria for		
		Notes	this vio			
		204.08488	Wilderstein van Moder eng		1	
n Indianal Ida				Violatío	n Subtotal	\$100,000
Economic Bene	efit (EB) for	this violation		Statutory Lim	t Test	
			101		_	A343.000
CALLET TO SERVICE	Estimat	ed EB Amount	\$0	Violation Final Per	naity Total	\$312,009
		Thi	s violation Final As	sessed Penalty (adjusted	for limits)	\$100,000
San and place of the contraction			The state of the s	A STATE OF THE PROPERTY OF THE	CONTRACTOR OF THE PARTY OF THE	America and the former manufacture of the second se

eg, Ent. Reference No. Media Violation No.	Air					Percent Interest	Years of Depreciation
		A Section of the Control of the Cont	are su exeuna com		TINE TENED IN CONTRACT OF STREET	5.0	15
	Item Cost	Date Required	Final Date	Yrs 1	Interest Saved	Onetime Costs	= EB Amount
Item Description	No commas or \$. 1942 P. A. C. B. C					
The second secon	NATIONAL STREET, STATE OF THE S	to the second se	geografi yayey ang hink yakkarang kandinagan pamahadik saka mang malak n	naktione asse, even as		en e	AND STREET OF STREET
Delayed Costs							
Equipment		248543		0.00	\$0	\$0	_ : \$0 ⇒ :
Buildings	CTOCKETALLS LIGHTLE	and a construction of the		0.00	\$0	\$0	\$0
Other (as needed)		987 X 2035		0.00	\$0	\$0 \$0	\$ \$0
Engineering/construction				0.00	\$0 \$0	\$0 	****\$0 *****\$0
Land Record Keeping System				0.00	\$0 \$0	n/a	\$0
Training/Sampling				0.00	\$0 \$0	n/a	30 S S S S S S S S S S S S S S S S S S S
Remediation/Disposal	15 F 15 C 16 F 16 C 16 C 16 C 16 C 16 C 16 C 16			0.00	\$0 \$0	n/a	\$0
Permit Costs	C. LONG POTTS AND SE		Harris Contract Contract	0.00	\$0	n/a	∜ \$0 ⇒
Other (as needed)	4.7 (a) 3.7 (b) 4.7 (4.5			0.00	\$0	n/a	\$0
,	Estimated	expense to Imple	ement measure	s designe	ed to ensure the	proper maintenance	of product
Notes for DELAYED costs Avoided Costs	exchang	gers in the HOC U	nit Cooling Tow	er includ	ed in the Econon	proper maintenanco nic Benefit for Violat for one-time avoi	ion No. 2.
Notes for DELAYED costs Avoided Costs Disposal	exchang	gers in the HOC U	nit Cooling Tow	er includ entering	ed in the Econon g item (except \$0	nic Benefit for Violat for one-time avoi 50	ion No. 2: ded costs)
Avoided Costs Disposal Personnel	exchang ANNUAL	gers in the HOC U	nit Cooling Tow	er includ entering 0.00	ed in the Econon gitem (except \$0 \$0	nic Benefit for Violat for one-time avoi \$0 \$0	ion No. 2: ded costs) \$0::::
Avoided Costs Disposal Personnel spection/Reporting/Sampling	exchange ANNUAL	gers in the HOC U	nit Cooling Tow	entering 0.00 0.00 0.00	ed in the Econon g item (except \$0 \$0 \$0	for one-time avoi	ded_costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	exchange ANNUAL STATE OF STATE	ers in the HOC U	nit Cooling Tow	entering 0.00 0.00 0.00 0.00	ed in the Econon gitem (except \$0 \$0 \$0 \$0 \$0	for one-time avoi	ded costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	exchange ANNUAL	gers in the HOC U	nit Cooling Tow	entering 0.00 0.00 0.00 0.00 0.00	ed in the Econon gitem (except \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoi	ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	exchange ANNUAL STATE OF STATE	ers in the HOC U	nit Cooling Tow	entering 0.00 0.00 0.00 0.00	ed in the Econon gitem (except \$0 \$0 \$0 \$0 \$0	for one-time avoi	ded costs) \$0 \$0 \$0 \$0

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 1-Jun-2010 DATES Assigned Screening 7-Jun-2010 PCW 6-Jun-2011 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Valero Refining-Texas, L.P. (Plant 2) Reg. Ent. Ref. No. RN100238385 Facility/Site Region 12-Houston Major/Minor Source Major CASE INFORMATION Enf./Case ID No. 39831 Docket No. 2010-0924-AIR-E No. of Violations 3 ≥ Order Type Findings Media Program(s) Air Government/Non-Profit No Multi-Media Enf. Coordinator Trina Grieco EC's Team Enforcement Team 5 Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$12,600 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. 409,0% Enhancement Subtotals 2, 3, & 7 Compliance History \$51,534 Enhancement for 15 NOVs with same/similar violations, 14 NOVs with dissimilar violations, nine agreed orders containing a denial of liability, Notes four agreed orders without denial of liability, and one court order. Reduction for four notices of audits. 0.0%: Enhancement Culpability No Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 Economic Benefit 0.0% Enhancement* Subtotal 6 \$0 Total EB Amounts Capped at the Total EB \$ Amount Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 Final Subtotal \$64,134 OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment \$0 Reduces or enhances the Final Subtotal by the Indicated percentage. Notes Final Penalty Amount \$64,134 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$23,234 0.0% Reduction Adjustment \$0 Reduces the Final Assessed Penalty by the indicted percentage

(Enter number only;

No deferral is recommended for Findings Orders.

Notes

PAYABLE PENALTY

20 for 20% reduction.)

\$23,234

Docket No. 2010-0924-AIR-E

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent Valero Refining-Texas, L.P. (Plant 2)

Case ID No. 39831

Reg. Ent. Reference No. RN100238385

History

Notes

Media [Statute] Air

Enf. Coordinator Trina Grieco

Compliance History Worksheet

	ry Site Enhancement (Subtotal 2)	Entar Number Hara	Adiust
Component	Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	15**	75%
	Other written NOVs	14	28%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	O n	180%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		100%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		30%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non- adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0.7	0%
Emissions	Chronic excessive emissions events (number of events)	<u>o</u>	0%
	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		-4%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which</i> violations were disclosed)		0%
	Pl	ease Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other.	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	Ño	0%
	Adjustment Pe	rcentage (Sub	total 2
eat Violator (Subtotal 3)		A CONTROL OF THE STATE OF THE S
No.	Adjustment Pe	rcentage (Sub	total 3
npliance Histo	ory Person Classification (Subtotal 7)	notivitivitias meneralises	
Average P	erformer Adjustment Pe	rcentage (Sub	total 7
obliance Histi	ory Summary		The state of the s
ibitation titae			

agreed orders containing a denial of liability, four agreed orders without denial of liability, and

one court order. Reduction for four notices of audits,

Total Adjustment Percentage (Subtotals 2, 3, & 7) 409%

Respondent	7-Jun-2010	Docket	No. 2010-0924-AIR-E	PEWS
And the second s	Valero Refining-Texas	, L.P. (Plant 2)	Policy Revis	lon 2 (September 2002)
Case ID No. Reg. Ent. Reference No.	?		PCW Re	vision October 30, 2008
Media [Statute]				
Enf. Coordinator				
Violation Number				1
Rule Cite(s)			20(3), Tex. Health & Safety Code § Ind PSDTX822M2, Special Conditions	
	362.063(0), 6110 (16)	No. 1	na rabitxozzmz, special conditions	J.4
			pecifically, 553.8 pounds ("ibs") of	6
			("SO2"), 120.7 lbs of ammonia, sof hydrogen sulfide ("H2S"), and	# !
			re released into the atmosphere due	
Violation Description			nump to the No. 3 Crude Unit during	
-			133651). The emissions event that e hours and 56 minutes. Since the	
	emissions event was	avoldable by better oper	ational practices, the Respondent is	
The Control of the Co		erting an affirmative defe	inse under 30 Tex. Admin. Code §	
		. LULIZZZI	Base Penalty	\$10,000
>> Environmental, Prope	rty and Human H	ealth Matrix		\$10,000
and the same of th	Ha	rm	ed transporter and the control description of the control of the c	
Release OR Actua		erate Minor		
Potentia		of lagar volume (Margie	Percent 100%	
>>Programmatic Matrix		AND RESIDENCE		
Falsification		erate Minor	[in to 64,000 to
Locality of the second			Percent 0%	i i
			1-Brazoria nonattainment area has	1
			xceed levels that are protective of Violation, Screen3 modeling results.	
			eeded the 1-hour Effects Screening	
	l avale by 1-8 times i			II F
	LCACIDADY T. S. Ellisco	or cresols, which are haz	ardous air pollutants.	
	LCVGIS-DV.1.3-UII/IES.	or cresols, which are haz		To Account Acc
		or cresols, which are haz	ardous air pollutants. Adjustment \$0]] [\$10,000]
Violation Events=/	COGS OF THE STATE	or cresols, which are haz		†
	Violation Events			†
	Violation Events		Adjustment \$0	†
	Violation Events		Adjustment \$0	†
	Violation Events dailyz weekly monthly		Adjustment \$0	\$10,000
Number of	Violation Events daily weekly monthly quarterly		Adjustment \$0	\$10,000
Number of mark only one	Violation Events daily weekly, monthly quarterly semiannual annual		Adjustment \$0	\$10,000
Number of mark only one	Violation Events daily weekly monthly quarterly semiannual		Adjustment \$0	\$10,000
Number of mark only one	Violation Events daily		Adjustment \$0 1 Number of violation days Violation Base Penalty	\$10,000
Number of mark only one	Violation Events daily		Adjustment \$0 1 Number of violation days Violation Base Penalty	\$10,000
Number of mark only one with an x	Violation Events daily weekly monthly quarterly semiannual annual single events One		Adjustment \$0 1 Number of violation days Violation Base Penalty	\$10,000
Number of mark only one	Violation Events daily/ weekly/ weekly/	daily, event is recommen	Adjustment \$0 1 Number of violation days Violation Base Penalty ded.	\$10,000
Number of mark only one with an x	Violation Events daily weekly weekly guarterly semiannual annual single events One	dally event is recommen	Adjustment \$0 1 Number of violation days Violation Base Penalty ded;	\$10,000
Number of mark only one with an x	Violation Events daily	dally event is recommen	Adjustment \$0 1 Number of violation days Violation Base Penalty ded;	\$10,000
Number of mark only one with an x	Violation Events daily/ weekly/ weekly/ monthly/ guarterly/ semiannual/ single event. one one	daily, event is recommen 0:0% Reduction e NOV NOV to EDPRP/Settle	Adjustment \$0 1 Number of violation days Violation Base Penalty ded;	\$10,000
Number of mark only one with an x	Violation Events daily weekly monthly quarterly semiannual single events One Extraordinary Ordinary N/A Tae R	dally event is recommen 0:0% Reduction e NOV NOV to EDPRP/Settler X (mark with x)	Adjustment \$0 1 Number of violation days Violation Base Penalty ded;	\$10,000
Number of mark only one with an x	Violation Events daily weekly, monthly quarterly semiannual annual single-event Extraordinary Ordinary N/A	dally event is recommen 0:0% Reduction e NOV NOV to EDPRP/Settler X (mark with x)	Adjustment \$0 Number of violation days Violation Base Penalty ded ment Offer the good-faith criteria for	\$10,000
Number of mark only one with an x	Violation Events daily weekly monthly quarterly semiannual single events One Extraordinary Ordinary N/A Tae R	dally event is recommen 0.0% Reduction. 9 NOV NOV to EDPRP/Settler X (mark with x) Espondent does not meet	Adjustment \$0 Number of violation days Violation Base Penalty ded; ment Offer the good-faith criteria for don.	\$10,000
Number of mark only one with an x	Violation Events daily weekly monthly quarterly semiannual single events One Extraordinary Ordinary N/A Tae R	dally event is recommen 0.0% Reduction. 9 NOV NOV to EDPRP/Settler X (mark with x) Espondent does not meet	Adjustment \$0 Number of violation days Violation Base Penalty ded ment Offer the good-faith criteria for	\$10,000
Number of mark only one with an x	Violation Events	dally event is recommen 0.0% Reduction. 9 NOV NOV to EDPRP/Settler X (mark with x) Espondent does not meet	Adjustment \$0 Number of violation days Violation Base Penalty ded; ment Offer the good-faith criteria for don.	\$10,000
Mumber of mark only one with an x Good Faith Efforts to Com Economic Benefit (EB) for	Violation Events daily/ weekly/ imonthiy a quarterly/ semiannual single events Div Bero Extraordinary Ordinary N/A Notes The R	dally event is recommen 0:0% Reduction e NOV NOV to EDPRE/Settler X (mark with x) espondent does not meet this violat	Adjustment \$0 Number of violation days Violation Base Penalty ded: the good-faith criteria fortion. Violation Subtotal Statutory Limit Test	\$10,000
Mumber of mark only one with an x Good Faith Efforts to Com Economic Benefit (EB) for	Violation Events daily	daily event is recommen o:0% Reduction e NOV NOV to EDPRP/Settle x (mark with x) espondent does not meet this violal	Adjustment \$0 Number of violation days Violation Base Penalty ded the good-faith criteria for lon. Violation Subtotal	\$10,000 \$10,000 \$10,000 \$50,900

	39831	g-Texas, L.P. (Pla	nic 2)				
a. Ent. Reference No.							
Media						Percent Interest	Years of
Violation No.	1					r er cemeamea cae	Depreciation
						5.0	15
And the second s	Item Cost	Date Required	Final Date :	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$		vieris adorral Part (1992)				
and the state of t		200 to 2000 to 3000 and 200 to 300	-***:- * ** (11012/2001/W2/19434	eactor sociolos	TO THE REPORT OF THE PARTY.	Programme Commission of the Co	
Delaved Costs		Constitute Provincial Consti		ziężirob	e en verra arbenent	A STATE OF S	14167 41211 (AT 14000)
Eguipment	Kareman and a	- 1.23 SER 192 SER 1	77-87-37-78-78-78-78-78-78-78-78-78-78-78-78-78	0.00	5/1907 50 50 445	skarenstown	24 4 54 \$0 5
Buildings	a freggi is riginal agraph.	· Josephine Andrews	automa uzanek erikan isa y	0.00	and Ed. \$0 is in the	Superior \$0 and and	\$0
Other (as needed)	5.588 (\$45) LEVEN	・ はない 本本のは、本本をは、	STARO S TO PETERS	0.00	. a compare \$0 miles with	REPRESENTED SO SO F	\$0
Engineering/construction	MAR PLANS CARTACON	الرسود بحرب بيطيرين ا	2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 -	<0.00.	~ ~\$0=12-be-23-	- Extract \$010 No	\$0
Land	· ····································	[Table 1 1 1 1 1 1 1 1 1 1	्रं के अस्ति है ।	0.00	\$0 5 5	superiori/a setti setti	- \$0
Record Keeping System	######################################		Y	0.00	\$0.5	estresia n/a 4 a a com	\$0
Training/Sampling	Landerson open opfinet men i sen av		State of the state	0.00	\$0. ***	≓≓an/a≡ ••	\$0
Remediation/Disposal				0.00	~ ; × 2.\$0 *****	and in the second	\$0
Permit Costs	. washing	Acceptance of the Section	-Puid-Willer Cards Males to	0.00	\$0	======================================	\$ 0
Other (as needed)	\$5,000	24-Dec-2009	15-Jul-2011	1.56	\$389	s n/a	\$389
Notes for DELAYED costs	emissions	event, The final da	ate is based on	the dat	e corrective action	he required date is as are expected to b	e completed.
Avoided Costs	Same a series		Mary Control of Control	1 1615C 1881130033C 1 151	l	T	\$0.50
Personnel	AND	A 1200 A 121 C 1 8 1 1 1 1 1 1 1	Firmith School	0.00	\$0	\$0 × \$1	\$0
	And with the same		.c., - v x.e.	0.00	∜ \$0	\$0	\$0
	Kara States			0.00	\$ \$0	\$0	\$0
			Fr. V. Control Language Collapse of L.			\$0	\$0
Supplies/equipment	for the years of		and the same depositioned	11:0 OO	Contract to the second		
Financial Assurance [2]	ipa si akang pelan			0.00	\$0 \$0		
Supplies/equipment				0.00	≫ \$0		\$0 % \$0 %

Screening Date	7-Jun-2010 Docket No. 2010-0924-AIR-	E PCW
	Vaiero Refining-Texas, L.P. (Plant 2)	Policy Revision 2 (September 2002)
Case ID No.		PCW Revision October 30, 2008
Reg. Ent. Reference No.		- Disputation
Media [Statute]		Part In Part
Enf. Coordinator		The state of the s
Violation Number Rule Cite(s)	2 2 39 Tex; Admin. Code § 101.201(b)(1)(G) and Tex; Health & Safet	v Code 8
Kuid Cicc(3)	382.085(b)	
		200
	Failed to include the compound descriptive types in the final report. Sp	pecifically, the
Violation Description		
	points involved in the emissions event for Incident No. 1336	
1		
To die de		
and the second s	!	Base Penalty \$10,000
	EVERTAL UTILISTS CASTELL MARKY	O STATE OF THE PROPERTY OF T
=>> Environmentar, proper	ty and Human Health Matrix. Harm	Street of the st
Release	Major Moderate Minor	· ·
OR Actual		-
• Potential	Percent	0%
>>Programmatic Matrix Falsification	Major Moderate Minor	A A A A A A A A A A A A A A A A A A A
Taisined doi:		1%
		at a second seco
Matrix Notes	At least 70% of the rule regulrement was met.	
Notes Notes		
		40.000
	Adjustment Adjustment	. \$9,900
		\$100
		The state of the s
Violation Events		Contraction of the Contraction o
Number of	/lolation Events Number of viola	tion days
Number of	7101ation Evalue Production and the first of Alors	uon days
	daily	4
	weekly	
mark only one	monthly	
with an x		Base Penalty \$100
Marine Control of the	semiannual samual samua	10.00
ir anno		a property and a prop
	<u>Single:event</u>	- Arterior
42.4 1.000	One single event is recommended.	
But Charges with a Company of the		AN AND AND THE PROPERTY.
Good Faith Efforts to Com	ply: 0.0% Reduction:	\$0
COOCH CITTE THORIS TO A CONTROL	Before NOV NOV to EDPRP/Settlement Offer	Ψ°
exercises e	Extraordinary	
Core	Ordinary	
y e f Lage	N/A (mark with x)	
Add 174 Add	The Respondent does not meet the good faith criteria	for
LEGISTAN	Notes this violation.	2.7万 · 1 3.60 · 2 · 1
Application of the Principles		
COMPAY OF BE	Viol	ation Subtotal \$100
es revenus y	VIOLE	Table Sabroral \$100
Economic Benefit (EB) foi	this violation Statutory L	imit Test
Estimat	ed EB Amount \$8 Violation Final	Penalty Total \$509
TAXABARAN A	This violation Final Assessed Penalty (adjust	ted for limits) \$509
		arganis (Communication and Communication)

	L	conomic	Benefit.	MOI	rksneet	transport of the first three f		
Respondent	Lakin Ni, Lie Youth English Street in with a phrancipal	g-Texas, L.P. (Pla	~,ear -e-e-care - e-a-e-c - conserva	CONTRACT TO THE STREET OF THE		and the state of Table a Table State Called School State of Artistach	a racinography. Ag	4 4 - Administration under militare literature
Case ID No.	39831		•					
eg. Ent. Reference No.	V.	ī.						
Media							Ϋ́	ars of
Violation No.	25					Percent Interest	Depi	eciation
		, imperiorate que sa cultiva esta civida en 100. Companyo esta companyo de la companyo de 100. Companyo esta companyo de 100.		entra established	process that the control of the cont	5.0		15
	Street Cost	Date Required	Final Date	Vrs	Interest Saved	Onetime Costs	EB	Amount
Item Description	Cause of the comment of							
ttem Description	E NO COMMISSION 3	Part Sale (March 1997)	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	rs-delike	South Control of the		632459243	A STATE OF THE PARTY OF THE PAR
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Reg. Ent.: Reference Nor. Nation 283855 Media: Statistical PA Statistical Stat	arternation of the property of	a -	. (Plant 2)		Policy Revisio	n 2 (September 2002)
Media: Estatute Ar					PCW Revi	sion October 30, 2008
Section Sect	di minitra productiva dell'Electric Promite della compania della conservazione della c	á .				, and the same of
Violation Number 3 Rule Cite(s) 30 Tax. Admin. Code §§ 116.715(s) and 191.20(3), Tex. Health & Safety Code § 382.985(s)), and Flexible Permit Not. 39142 and PSDTM922M2, Special Conditions No. 1. Palled for previous unauthorized emissions. Specifically, 1.999.90 be of SC2 and 16, 66 lb for 1472 were released from the chromophere due to the pressure build-up in the flo. 2 Tail Gas which Absorbed which resulted fin anise currywer from the tower. Undedit No. 1. 124880). The centages one event, which begins on January 12, 2310, lasted 48 hours. Since fine emissions event was avoidable by better operational practices, the Respondent is precided from asserting an difficultive defense under practices, the Respondent is precided from asserting an difficultive defense under practices, the Respondent is precided from asserting an difficultive defense under practices, the Respondent is precided from asserting an difficultive defense under practices, the Respondent is precided from asserting an difficultive defense under practices, the Respondent is precided from asserting an difficultive defense under practices, the Respondent is precided from asserting an difficultive defense under practices, and the second process of the second pr						· Sampling
Rule Cite(s) 30 Fax. Admin. Code \$ \$ 15.7.15(a) and 19.1.20(3). Tex. Results & Safety Code \$ 33.0.895(b), and Fleefulle Permit No. 31442 and FSD5022424, Sheat Conditions No. 1. Falled to precient unauthorized amissions. Southfeelby, 1,999.90 libs of 500 and 12.66 libs of 1425 were released from the amissions of 12.66 libs of 1425 were released from the amissions of 12.66 libs of 1425 were released from the amissions of 12.66 libs of 1425 were released from the amissions of 12.66 libs of 1425 were released from the amissions of 12.66 libs of 1425 were released from the amissions of 12.66 libs of 1425 were released from the amissions of 12.66 libs of 1425 were released from the amissions of 12.66 libs of 1425 were released from the amissions of 12.66 libs of 1425 were released from the amissions of 12.66 libs of 1425 were released from the amissions of 12.66 libs of 1425 were released from the amissions of 12.66 libs of 1425 were released from the amissions of 12.66 libs of 1425 were released from the amissions of 12.66 libs of 12.66 lib	The first transfer to the country of					die aby
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Paled for prevent unauthorized emissions, Specifically, 1,999.90 list of SD2 and 21.6.6 bis of H25 were released into the atmosphere due to the pressure ballet up in the No. 2 rat Gas Link Absorber which begins or an analysis (Indient No. 134380). The emissions event, which begin on January 12, 2010, listed 48 hours. Since the emissions event, was workable by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 191,222. **Base Penalty** **Programmatic Matrix** **Release**			Permit Nos. 39142 and	I PSDTX822M2, Special	Conditions	A401910
Violation Description Set 41 August 1942 Set 42 August 1942 Set 42 August 1942 Set 44 August			No. 1	Discourse Parky in training		1
Violation Description Set 41 August 1942 Set 42 August 1942 Set 42 August 1942 Set 44 August		Falled to prevent unaut	horized emissions. Spe	cifically, 1,999,90 lbs of	SO2 and	12.10
Violation Description Cincident No. 13/430). The emissions event, which began on January 1,2010, lasted 48 hours. Since the emissions event way avoidable by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101,222. Base Penalty \$10,000	T COLUMN TO THE	21,66 lbs of H2S were rel	eased into the atmosph	ere due to the pressure	e build-up In	# 1. I
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Practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101, 222. Base Penalty \$10,000	violation Description					
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Adjustment \$7,500 Adjustment \$7,500 \$2,500 Violation Events Number of Violation Events 2 Number of violation days	Matrix exposed to	insignificant amounts of po	llutants which do not e	xceed levels that are pr	otective of	v.; seenes
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Notes for AVOIDED costs							
Approx. Cost of Compliance		\$3,500	<u>er erdik bekerig</u> 1	(Calletonia)	TOTAL		\$263
- delication and an accordance		7.7000	_		construction and the street was also said to the street		,

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Compliance History Report

Customer/Respondent/Owner-Operator: Regulated Entity:

ID Number(s):

CN600127468 Valero Refining-Texas, L.P.

RN100238385 VALERO REFINING TEXAS CITY

Classification: AVERAGE Classification: AVERAGE

Rating: 10.27 Site Rating: 7.60

81621

REFINERY

AIR NEW SOURCE PERMITS

AIR OPERATING PERMITS ACCOUNT NUMBER GB0073P

AIR OPERATING PERMITS PERMIT 1253

AIR OPERATING PERMITS PERMIT 2599

AIR OPERATING PERMITS PERMIT 2599

WASTEWATER PERMIT TPDES0006009

WASTEWATER PERMIT WQ0000449000 WASTEWATER PERMIT TX0006009 AIR NEW SOURCE PERMITS REGISTRATION 92271 AIR NEW SOURCE PERMITS PERMIT 39142 AIR NEW SOURCE PERMITS REGISTRATION 42395 AIR NEW SOURCE PERMITS REGISTRATION 42394 AIR NEW SOURCE PERMITS REGISTRATION 48330 AIR NEW SOURCE PERMITS ACCOUNT NUMBER GB0073P AIR NEW SOURCE PERMITS **PERMIT** 962 AIR NEW SOURCE PERMITS PERMIT 8352 AIR NEW SOURCE PERMITS REGISTRATION 53530 AIR NEW SOURCE PERMITS EPA ID PSDTX822 AIR NEW SOURCE PERMITS REGISTRATION 75542

AIR NEW SOURCE PERMITS REGISTRATION 75695
AIR NEW SOURCE PERMITS AFS NUM 4816700007
AIR NEW SOURCE PERMITS EPA ID BEDTY822M

AIR NEW SOURCE PERMITS EPA ID PSDTX822M2
AIR NEW SOURCE PERMITS REGISTRATION 71076
AIR NEW SOURCE PERMITS REGISTRATION 72517
AIR NEW SOURCE PERMITS REGISTRATION 73799
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AIR NEW SOURCE PERMITS REGISTRATION 82462
AIR NEW SOURCE PERMITS REGISTRATION 84166
AIR NEW SOURCE PERMITS REGISTRATION 84575
AIR NEW SOURCE PERMITS REGISTRATION 82434

AIR NEW SOURCE PERMITS REGISTRATION 91499
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # 30011
GENERATION (SWR)

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD000792937

GENERATION
WASTE WATER GENERAL PERMIT PERMIT TXG670007
AIR EMISSIONS INVENTORY ACCOUNT NUMBER GB0073P

Location:

1301 LOOP 197 S, TEXAS CITY, TX, 77590

TCEQ Region:

REGION 12 - HOUSTON

Date Compliance History Prepared:

June 02, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

June 02, 2005 to June 02, 2010

TCEO Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Roshondra Lowe

Phone:

767-3553

Site Compliance History Components

Has the site been in existence and/or operation for the full five year compliance period?

Νo

Has there been a (known) change in ownership/operator of the site during the compliance period?

If Yes, who is the current owner/operator?

N/A

4. If Yes, who was/were the prior owner(s)/operator(s)?

N/A

When did the change(s) in owner or operator occur? 5

N/A

Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site:

Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. A.

Effective Date: 11/23/2005

COURTORDER

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142, Special Condition No. 1 PA

Description: Exceeded permit limit during an avoidable emissions event.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov: 39142, Special Condition No. 1 PA

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382,085(b)

Rgmt Prov: 39142/PSDTX822M2, SC#1 PERMIT

Description: Failed to prevent a leak in a heat exchanger (E-1338).

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: 39142/ PSD-TX-822M2 PERMIT

Description: Valero failed to prevent a back-up pump from tripping off.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter G 116,715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov: 39142, SC No. 1 PA

Description: Exceeded permit limit during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event,

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116,715(a)

5C THC Chapter 382, SubChapter A 382,085(b)

Ramt Prov: TCEQ Flexible Air Permit #39142, SC #1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(a)

Description: Failed to prevent an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent an avoidable emissions event.

Effective Date: 10/19/2006

ADMINORDER 2006-0549-IWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305,125(1)

Ramt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of

self-reported data.

Effective Date: 05/11/2007

ADMINORDER 2006-0012-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter E 117.520(c)(2)(A)(i)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to install continuous emissions monitoring systems ("CEMS") on boilers B-07 and

B-11 by March 31, 2005.

Effective Date: 08/23/2007

ADMINORDER 2006-1067-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter B 112.31

30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: TCEQ Flexible Air Permit No. 39142, SC1 PERMIT

Description: As evidenced by Findings of Fact No. 12, Valero failed to prevent unauthorized emissions that exceeded the fence line H2S concentration limit during an emissions event that started on October 4,

2004.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter D 382.085(b)

Rgmt Prov: 39142, SC No. 1 PA

Description: Failure to prevent an overpressure condition resulting in unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Failure to prevent a control valve malfunction resulting in unauthorized emissions,

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter D 382.085(b)

Rgmt Prov: 39142, SC No. 1 PA

Description: Failure to maintain calibration of a level indicator resulting in unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c) 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit final report no later than two weeks after end of emissions event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to submit a final report no later than two weeks after the end of an emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Failure to prevent a control valve malfunction resulting in unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter D 382.085(b)

Rgmt Prov: 39142 SC No. 1 PA

Description: Failure to prevent a control valve malfunction resulting in unauthorized emissions

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Failure to prevent a tank overflow resulting in unauthorized emissions.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to provide preconstruction authorization number on final report.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382,085(b)

Rqmt Prov: 39142, SC 1 PA

Description: Exceeded permit limits during an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Exceeded permit limits during an avoidable emissions event,

Effective Date: 11/19/2007 ADMINORDER 2006-0468-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: No. 39142, SC No. 1 PA

Description: Failed to prevent unauthorized emissions from Flare Nos. 2 and 3 (EPN EFL-02 and EFL-03) during an emissions event which occurred on October 13, 2005 in the Utilities Unit and lasted 2 hours and 15 minutes, as documented during a record review conducted on February 8, 2006. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Failed to prevent unauthorized emissions from Flare Nos. 2, 3 and 4 (EPN EFL-02, EFL-03 and EFL-04) during an emissions event which occurred on November 28, 2005 in the Utilities Unit and lasted 24 hours and 29 minutes, as documented during a record review conducted on January 25, 2006. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative

defense in 30 TEX, ADMIN, CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382,085(b)

Rgmt Prov: No. 39142, SC No. 1 PA

Description: Failed to prevent unauthorized emissions from the Incinerator Stack (EPN EG-18-1403) during an emissions event which occurred on September 20, 2005 in the Gas-Oil Hydrotreater (GOHT) Unit (PRU) and lasted 55 hours, as documented during an investigation conducted on November 29, 2005. Since this emissions event was avoidable, Valero failed to meet the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter D 382.085(b)

Rgmt Prov: 39142 PA

Description: Failed to prevent unauthorized emissions during a September 25, 2006 emissions event, as

documented during a record review conducted on November 29, 2006. Specifically, during the

September 25, 2006 emissions event the following unauthorized emissions were released from the No. 2 and No. 3 Flare over a period of fifty-five minutes: 2,101 lbs of sulfur dioxide, 328.5 lbs of volatile organic compounds, 191 lbs of carbon monoxide, and 26.4 lbs of nitrogen oxides.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter G 116.715(a)

40 CFR Chapter 60; SubChapter C, PT 60, SubPT A 60.18(c)(2)

5C THC Chapter 382, SubChapter D 382,085(b)

Rgmt Prov: 39142, SC No. 1 PA

Description: Failed to prevent unauthorized emissions and failure to operate a flare with a flame present during an October 14, 2006 emissions event, as documented during a record review conducted on December 13, 2006. Specifically, on October 14, 2006 through October 15, 2006, over a period of 4 hours and 14 minutes, Flare No. 3 (EPN EFL-03) located in the Utilities Unit, emitted 1,333.4 lbs of ethylene and 1,394.5 lbs of propane. Flexible Air Permit No. 39142 does not authorize any upset emissions.

Effective Date: 06/19/2008 ADMINORDER 2007-1512-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, Special Condition No. 1 PERMIT

Description: As evidenced by Findings of Fact No. 3, Valero failed to prevent unauthorized emissions during a May 9, 2007 emissions event, in violation of Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to prevent an affirmative defense were not met.

Effective Date: 07/03/2008 ADMINORDER 2007-2039-AIR-E

Classification: Major

Citation: 30 TÁC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 39142, Special Condition No. 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limits from Boiler 27 [emission point number ("EPN EB-27")], Boiler 28 ("EPN EB-28"), No. 1 Flare Stack ("EPN EFL-01"), No. 2 Flare Stack ("EPN EFL-02"), No. 3 Flare Stack ("EPN EFL-03"), and No. 4 Flare Stack ("EPN EFL-04").

Effective Date: 12/04/2008 ADMINORDER 2008-0893-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rgmt Prov: No. 39142, Special Condition No. 1 PERMIT

Description: Exceeded permit limits during an avoidable emissions event.

Effective Date: 02/08/2009 ADMINORDER 2008-1341-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 39142, Special Conditon No. 1 PERMIT

Description: Valero failed to maintain the lube oil level in the compressor mainframe reservoir.

Effective Date: 02/22/2009 ADMINORDER 2007-1234-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter A 382,085(b)

Rgmt Prov: #39142, SC #1 PA

Description: As evidenced by Findings of Fact No. 3, Valero failed to prevent unauthorized emissions during Incident Nos. 62478 and 62479, in violation of Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions were avoidable and excessive, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to

prevent an affirmative defense were not met.

Effective Date: 08/23/2009 ADMINORDER 2007-1813-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Valero failed to prevent unauthorized emissions during a December 11, 2006 emissions event in the Topers Unit, No. 3 Crude Unit, Fluidized Catalytic Cracking Unit, Alkylation Unit, Utilities Unit, and the Delayed Coker Unit, in violation of Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC 1 PA

Description: Valero failed to prevent unauthorized emissions during a January 19, 2007 emissions event in the Fluidized Catalytic Cracking Unit, in violation of Air Permit No. 39142, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY Code § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense

under 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 39142, SC No. 1 PA

Description: Valero failed to prevent unauthorized emissions during an emissions event in the No. 1 and 2 Toppers Unit that started on January 28, 2007, in violation of Air Permit No. 39142, Special Condition No. 1, 40 CODE OF FEDERAL REGULATIONS § 60.18(b), 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rgmt Prov: 39142, SC No. 1 PERMIT

Description: Valero failed to prevent unauthorized emissions during a March 4, 2007 emissions event in the Sats Gas Unit, in violation of Air Permit No. 39142, Special Condition No. 1, 40 CODE OF FEDERAL REGULATIONS § 60.18(b), 30 TEX. ADMIN. CODE § 116.715(a), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable Valero was unable to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

Effective Date: 09/21/2009 ADMINORDER 2009-0448-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 39142, Special Conditon No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Failure to prevent Level Indicator LI-15142 on

A-82 Vacuum Tower from malfunctioning.

Effective Date: 10/31/2009 ADMINORDER 2007-1413-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii). 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)

5C THC Chapter 382, SubChapter D 382.085(b)

Rgmt Prov: NSR 39142, SC 2A PERMIT

NSR 39142, SC 4A PERMIT

Title V O-01253, SC 1A OP

Title V O-01253, SC 22 OP

Description: Failed to maintain the net heating value of the gas being combusted by assisted flares at

300 British thermal units per standard cubic foot ("Btu/scf") or greater.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(7)

5C THC Chapter 382, SubChapter D 382.085(b)

Rgmt Prov: NSR 39142, SC 2A PERMIT

NSR 39142, SC 4A PERMIT Title V O-01253, SC 1A OP Title V O-01253, SC 22 OP

Description: Failed to operate an assisted flare with an exit velocity of less than 60 feet per second

("ft/sec").

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)

30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: NSR 39142, SC 13C PERMIT

NSR 39142, SC 2A PERMIT NSR 39142, SC 4A PERMIT Title V O-01253, SC 1A OP Title V O-01253, SC 22 OP

Description: Failed to operate flares with visible emissions not to exceed five minutes during any

consecutive two hour period.

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1566(a)(2)

5C THC Chapter 382, SubChapter D 382,085(b)

Ramt Prov: Title V O-01253, SC 1A OP

Description: Failed to maintain the daily average combustion zone temperature of Reformer Heater

H-REF2 above 1279.3 degrees Fahrenheit.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: NSR 39142, SC 2C PERMIT

Title V O-01253, SC 1A OP Title V O-01253, SC 22 OP

Description: Failed to prevent the discharge of sulfur dioxide ("SO2") to the atmosphere in excess of

250 parts per million ("ppm").

Effective Date: 01/28/2010

ADMINORDER 2009-1314-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: 39142, Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Valero failed to prevent a flashover on Gas

Circuit Breaker #3 (GCB #3), which resulted in power loss at the refinery.

Any criminal convictions of the state of Texas and the federal government.

В.

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

oval dates of invest	tigations. (CC
1 06/14/2005 2 06/14/2005	(373350) (378741)
3 06/14/2005	(419708)
4 06/23/2005	(378628)
5 06/27/2005	(397418)
6 06/28/2005	(348790)
7 06/30/2005	(397555)
8 07/07/2005	(399131)
9 07/13/2005	(399194)
10 07/15/2005	(348789)
11 07/22/2005	(397707)
12 07/22/2005	(440845)
13 08/02/2005	(348759)
14 08/03/2005	(403101)
15 08/03/2005	(403276)
16 08/08/2005	(403521)
	(403521)
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18 08/10/2005 19 08/13/2005	(396623) (397699)
	(400189)
20 08/13/2005 21 08/17/2005	(400929)
22 08/18/2005	(406929)
23 08/19/2005	(396740)
24 08/22/2005	(406017)
25 08/23/2005	(440846)
26 08/24/2005	(400925)
27 08/29/2005	(406800)
28 09/01/2005	(400800)
26 09/01/2005	(400331)
29 09/23/2005	(440847)
30 10/20/2005	(468457)
31 11/22/2005	(468458)
32 12/06/2005	(438942)
33 12/20/2005	(468459)
34 12/28/2005	(449585)
35 12/29/2005	(439223)
36 12/29/2005	(449459)
37 01/17/2006	(431818)
38 01/24/2006	(468460)
39 01/30/2006	(440131)
40 02/01/2006	(451967)
41 02/15/2006	(439989)
42 02/17/2006	(439355)
43 02/17/2006	(468454)
44 02/21/2006	(455248)
45 03/16/2006	(455002)
46 03/21/2006	(468455)
47 03/29/2006	(453666)
48 03/31/2006	(434168)
49 04/13/2006	(468456)
50 04/26/2006	(457610)
51 04/27/2006	(460539)
52 05/08/2006	(453710)
53 05/11/2006	(461750)
54 05/15/2006	(462815)
55 05/17/2006	(464808)

56	05/18/2006	(498220)
57	05/25/2006	(457878)
58	05/31/2006	(463733)
59	06/16/2006	(498221)
60	06/27/2006	(481343)
61	06/30/2006	(462803)
62	06/30/2006	(462898)
63	06/30/2006	(481516)
64	06/30/2006	(483867)
65	07/06/2006	(482247)
66	07/14/2006	(486365)
67	07/15/2006	(486391)
68	07/17/2006	(479861)
69	07/18/2006	(498222)
70	07/19/2006	(482178)
71	07/19/2006	(483638)
72	07/19/2006.	(483715)
73	07/21/2006	(487175)
74	07/21/2006	(487390)
75	07/21/2006	(487892)
76	07/25/2006	(488179)
77	07/26/2006	(462901)
78	07/26/2006	(482594)
79	08/10/2006	(520234)
80	08/25/2006	(488734)
81	09/01/2006	(466735)
82	09/01/2006	(466736)
83	09/01/2006	(478491)
84	09/01/2006	(478556)
85	09/01/2006	(478638)
86	09/01/2006	(487342)
87	09/01/2006	(487896)
88	09/01/2006	(488020)
89	09/01/2006	(488032)
90	09/01/2006	(488134)
91	09/01/2006	(488176)
92	09/01/2006	(488191)
93	09/01/2006	(488541)
94	09/01/2006	(488559)
95	09/01/2006	(488624)
96	09/01/2006	(488633)
97	09/01/2006	(488740)
98	09/01/2006	(488979)
99	09/01/2006	(489434)
100	09/01/2006	(489467)
101	09/01/2006	(489815)
102	09/01/2006	(489837)
103	09/01/2006	(489863)
104	09/01/2006	(489866)
105	09/01/2006	(490185)
106	09/01/2006	(508690)
107	09/01/2006	(509158)
108	09/01/2006	(509713)
109	09/01/2006	(509730)
110	09/01/2006	(509756)
111	09/01/2006	(509784)
112	09/18/2006	(520235)
113	09/27/2006	(512555)
114	09/28/2006	(509876)

115 10/11/2006	(514061)
116 10/19/2006	(520236)
117 10/23/2006	(512981)
118 10/31/2006	(517239)
	,
119 11/07/2006	(516594)
120 11/13/2006	(518837)
121 11/15/2006	(519473)
122 11/15/2006	(544546)
123 11/21/2006	(519775)
124 12/13/2006	(544547)
125 12/18/2006	(345058)
126 12/21/2006	(532369)
127 12/21/2006	(532370)
128 01/16/2007	(534075)
129 01/19/2007	(532751)
130 01/19/2007	(544548)
	•
	(536972)
132 02/09/2007	(534096)
133 02/14/2007	(544545)
134 03/15/2007	(531898)
135 03/15/2007	(533196)
136 03/15/2007	(575352)
	, ,
137 03/23/2007	(543996)
138 04/02/2007	(539574)
139 04/05/2007	(543902)
140 04/09/2007	(543124)
141 04/09/2007	(555314)
142 04/10/2007	(543795)
143 04/11/2007	(556037)
	,
144 04/11/2007	(556038)
145 04/17/2007	(575353)
146 04/30/2007	(556603)
147 04/30/2007	(556624)
148 04/30/2007	(557962)
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149 05/08/2007	(555995)
150 05/10/2007	(559617)
151 05/10/2007	(559619)
152 05/10/2007	(559620)
153 05/11/2007	(558768)
154 05/14/2007	(555999)
155 05/14/2007	(558769)
	(559618)
156 05/14/2007	
157 05/20/2007	(575354)
158 05/31/2007	(542320)
159 06/01/2007	(561100)
160 06/04/2007	(561098)
161 06/20/2007	(575355)
162 06/22/2007	(561101)
	(566302)
163 07/03/2007	, ,
164 07/09/2007	(564575)
165 07/11/2007	(431249)
166 07/20/2007	(575356)
167 07/23/2007	(531864)
168 07/31/2007	(564508)
169 08/10/2007	(512666)
170 08/10/2007	(564206)
171 08/10/2007	(564225)
172 08/20/2007	(607555)
173 08/24/2007	(570706)

174	08/24/2007	(570707)
175	09/20/2007	(607556)
176	10/02/2007	(572268)
177	10/05/2007	(572254)
178	10/05/2007	(595008)
179	10/09/2007	(594109)
180	10/10/2007	(595720)
181	10/11/2007	(567830)
182	10/11/2007	(568141)
183	10/11/2007	(568182)
184	10/11/2007	(568234)
185	10/11/2007	(593936)
186	10/12/2007	(572190)
187	10/12/2007	(572204)
188	10/12/2007	(572244)
189	10/15/2007	(593466)
190	10/16/2007	(568501)
191	10/17/2007	(595009)
192	10/1//2007	(607557)
193	11/15/2007	(619522)
194		• ,
	11/16/2007	(568445)
195	11/19/2007	(571858)
196	11/19/2007	(595089)
197	11/19/2007	(597629)
198	11/19/2007	(597934)
199	11/19/2007	(598398)
200	11/27/2007	(571671)
201	12/05/2007	(609936)
202	12/17/2007	(619523)
203	12/21/2007	(600245)
204	01/18/2008	(619524)
205	01/30/2008	(613666)
206	02/20/2008	(672044)
207	03/03/2008	(637489)
208	03/14/2008	(672045)
209	03/25/2008	(616898)
210	04/18/2008	(672046)
211	04/25/2008	(636923)
212		(637714)
	05/15/2008	, ,
213	05/16/2008	(689958)
214	05/23/2008	(638602)
215	06/06/2008	(682334)
216	06/19/2008	(689959)
217	07/07/2008	(657176)
218	07/08/2008	(670867)
219	07/18/2008	(689960)
220	07/21/2008	(682766)
221	07/21/2008	(684727)
222	07/30/2008	(687563)
223	08/11/2008	(688850)
224	08/14/2008	(710740)
225	08/18/2008	(687788)
226	09/19/2008	(710741)
227	09/20/2008	(686586)
228	10/16/2008	(671077)
229	10/16/2008	(671086)
230	10/17/2008	(710742)
231	10/24/2008	(687335)
232	10/27/2008	(686049)
	_	. ,

		(===(===)
233	10/27/2008	(686129)
234	10/27/2008	(686138)
235	10/28/2008	(686938)
236	10/29/2008	(686783)
237	10/29/2008	(686930)
238	11/17/2008	(727485)
239	11/20/2008	(703368)
240	12/08/2008	(687448)
241	12/15/2008	(686189)
242	12/15/2008	(721180)
243	12/16/2008	(701325)
244	12/17/2008	(700705)
245	12/17/2008	(701512)
246	12/17/2008	(703349)
247	12/18/2008	(727486)
248	12/18/2008	(727487)
249	01/06/2009	(689065)
250	01/06/2009	(706089)
251	01/20/2009	(706090)
252	02/04/2009	(704245)
253	02/04/2009	(725522)
254	02/05/2009	(723030)
255	02/12/2009	(684569)
256	02/16/2009	(700894)
257	02/16/2009	(726273)
258	02/16/2009	(750275)
259	02/20/2009	(702755)
260	03/11/2009	(750276)
261	03/18/2009	(726731)
262	03/20/2009	(725138)
263	03/27/2009	(726604)
264	04/10/2009	(741302)
265	04/16/2009	(750277)
266	04/24/2009	(739887)
267	05/04/2009	(741618)
268	05/12/2009	(768371)
269	05/12/2009	(768373)
270	05/18/2009	(742104)
271	05/18/2009	(742106)
272	05/19/2009	(704309)
273	06/10/2009	(747592)
274	06/12/2009	(768372)
275	06/15/2009	(749180)
276	07/16/2009	(749643)
277	07/21/2009	(745746)
278	07/21/2009	(747426)
279	07/21/2009	(747606)
280	07/21/2009	(747870)
281	07/21/2009	(747871)
282	07/21/2009	(748463)
283	07/21/2009	(749055)
284		(749736)
285		(747873)
286		(748462)
287		(746919)
288		(763276)
289		(747867)
290		(741161)
291		(747864)
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292 08/13/2009
                   (765709)
293 08/14/2009
                    (759251)
294 08/14/2009
                    (765330)
295 08/20/2009
                    (804672)
296 08/21/2009
                    (759999)
297 08/28/2009
                    (765498)
298 09/02/2009
                    (748460)
                    (761012)
299 09/02/2009
300 09/04/2009
                    (749814)
301 09/16/2009
                    (762161)
302 09/17/2009
                    (749687)
303. 09/17/2009
                    (804673)
304 09/28/2009
                    (748457)
305 10/08/2009
                    (760318)
306 10/12/2009
                    (763115)
307 10/20/2009
                    (804674)
308 10/21/2009
                    (565970)
309 11/19/2009
                    (804675)
310 11/20/2009
                    (747602)
311 11/23/2009
                    (779180)
312 12/17/2009
                    (804676)
313 12/22/2009
                    (786019)
314 12/23/2009
                    (781696)
315 12/23/2009
                    (781948)
316 01/05/2010
                    (782111)
317 01/05/2010
                    (782355)
318 01/06/2010
                    (784275)
319 01/15/2010
                    (785848)
320 01/15/2010
                    (785874)
321 01/15/2010
                    (804677)
322 01/22/2010
                    (747282)
323 01/26/2010
                    (788199)
324 01/26/2010
                    (788690)
325 01/26/2010
                    (788810)
326 01/26/2010
                    (788823)
327 01/27/2010
                    (788843)
328 01/27/2010
                    (788914)
329 01/29/2010
                    (785853)
330 02/15/2010
                    (804671)
331 02/19/2010
                    (792191)
332 02/25/2010
                    (747260)
                    (794550)
333 03/19/2010
334 03/31/2010
                    (794262)
335 03/31/2010
                    (794855)
336 05/10/2010
                    (801088)
337 05/10/2010
                    (801143)
338 05/18/2010
                    (801800)
339 05/21/2010
                    (793343)
340 05/24/2010
                    (786834)
341 05/24/2010
                     (802297)
                     (797648)
342 05/25/2010
343 05/28/2010
                     (824427)
```

Written notices of violations (NOV), (CCEDS inv. Track. No.)

Date: 08/10/2005

E.

(396623)

CN600127468

Self Report? NO

Classification: Moderate

Citation: 30 TAC

30 TAC Chapter 116, SubChapter G 116.715(a)

39142, Special Condition No. 1 PA

5C THC Chapter 382, SubChapter A 382.085(b)

Description:

Valero failed to control hydrocarbon carryover from the Delayed Coker Unit into

the Amine Unit.

Date: 10/31/2005

(468458)

CN600127468

Classification:

Moderate

Self Report? YES

30 TAC Chapter 305, SubChapter F 305,125(1)

Citation:

TWC Chapter 26 26.121(a)

Description:

Failure to meet the limit for one or more permit parameter

Date: 11/30/2005

(468459)

CN600127468

Self Report? Citation:

YES

Classification: Moderate

30 TAC Chapter 305, SubChapter F 305,125(1)

TWC Chapter 26 26.121(a)

Description:

Failure to meet the limit for one or more permit parameter

Date: 12/31/2005

(468460)

CN600127468

Self Report? YES Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description:

Failure to meet the limit for one or more permit parameter

Date: 01/31/2006

(451967)

CN600127468

Self Report? NO

No. 00449-000 Page 7, No. 2g PERMIT

Classification: Moderate

Classification: Moderate

Citation:

TWC Chapter 26 26.121(a)(1)

Description:

Failure to prevent unauthorized discharges of solids and oil into waters of the

State.

Self Report?

Classification: Moderate

Citation: 00449-000 Page 2, No. 1 & Page 2d, no. 1 PERMIT

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to maintain compliance with the self-monitored, permitted effluent limits for

Total Suspended Solids, Oil & Grease, and Total Zinc.

Date: 02/21/2006

Citation:

(455248)

Self Report?

Classification: Moderate

Classification: Moderate

Classification:

30 TAC Chapter 116, SubChapter G 116.715(a) 5C THC Chapter 382, SubChapter A 382.085(b)

No. 39142 PA

Description:

Exceeded permit limits during an avoidable emissons event.

Date: 04/30/2006

(498220)

CN600127468

Self Report? YES Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description:

Failure to meet the limit for one or more permit parameter

Date: 06/30/2006

(481516)

CN600127468

Self Report?

30 TAC Chapter 116, SubChapter G 116.715(a)

39142, SC No. 1 PA

5C THC Chapter 382, SubChapter D 382.085(b)

Description:

Citation:

Failure to prevent an unplanned compressor shutdown resulting in unauthorized

emissions from flaring.

Date: 06/30/2006

(483867)

CN600127468

Self Report?

Classification:

Citation:

30 TAC Chapter 117, SubChapter B 117.206(e)(2)

Description:

RE exceeded the NH3 emission limit of 10 ppm set forth in 30 TAC 117.206(e)(2).

Date: 09/29/2006

(509876)

CN600127468

Self Report? NO

Classification: Moderate

Moderate

Moderate

Citation:

30 TAC Chapter 116, SubChapter G 116,715(a)

39142, SC No. 1 PA

5C THC Chapter 382, SubChapter D 382,085(b)

Description:

Exceeded permit limits during an avoidable emissions event.

Date: 01/31/2007

(544545)

CN600127468

Classification:

Citation:

Self Report? YES

30 TAC Chapter 305, SubChapter F 305,125(1)

TWC Chapter 26 26.121(a)

Description:

Failure to meet the limit for one or more permit parameter

Date: 03/31/2007

(575353)

CN600127468

Self Report? YES

Classification: Moderate

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305,125(1)

TWC Chapter 26 26.121(a)

Description:

Failure to meet the limit for one or more permit parameter

Date: 04/04/2007

(539574)

CN600127468

Self Report?

Classification:

Moderate

Citation:

30 TAC Chapter 116, SubChapter G 116,715(a)

39142, SC No. 1 PA

5C THC Chapter 382, SubChapter D 382.085(b)

Description:

Exceeded permit limits during an avoidable emissions event.

Date: 04/10/2007

(543996)

CN600127468

Self Report? Citation:

30 TAC Chapter 116, SubChapter G 116.715(a)

39142, SC No. 1 PA

5C THC Chapter 382, SubChapter D 382.085(b)

Description:

Exceeded permit limits during an avoidable emissions event.

Date: 06/04/2007

(561098)

CN600127468

Self Report? NO Classification; Moderate

Classification: Moderate

30 TAC Chapter 116, SubChapter G 116.715(a) Citation:

39142, SC No. 1 PERMIT

5C THC Chapter 382, SubChapter D 382.085(b)

Failure to exercise good maintenance practices.

Description:

Date: 06/30/2007

CN600127468 (575356)

Self Report?

Classification:

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description:

Failure to meet the limit for one or more permit parameter

Date: 07/31/2007

(607555)

CN600127468

Self Report?

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Citation:

Failure to meet the limit for one or more permit parameter

Date: 10/31/2007

(619522)

CN600127468

Self Report? YES

Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26,121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 01/16/2008

CN600127468

Self Report?

(567857)

Classification: Minor

Classification: Moderate

Citation:

30 TAC Chapter 117, SubChapter B 117.345(b)(1)

30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) Title V 0-01253; SC 1.A. OP

Description:

failed to submit written notification of the performance test for Boiler B-26 within

15 days after the testing was conducted on December 13, 2005

Self Report?

NO

Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117,345(b)(2)

30 TAC Chapter 122, SubChapter B 122,143(4) 5C THC Chapter 382, SubChapter D 382,085(b)

Title V 0-01253, SC 1A OP

Description:

failed to submit written notification of the continuous emissions monitoring system (CEMS) relative accuracy test audit (RATA) within 15 days after the testing was

conducted

Self Report?

Citation:

NO

Classification: Minor

Minor

Minor

Classification: Minor

30 TAC Chapter 117, SubChapter B 117,345(f)(6)(B) 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Title V O-01253; SC 1.A, OP

failed to maintain records of hours of operation for Engines DE-07, DE-08, DE-24,

and DE-27

Self Report?

Description:

Citation:

Classification: 30 TAC Chapter 117, SubChapter B 117.345(f)(10)

30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)

Title V O-01253; SC 1.A. OP

Description:

failed to maintain records of each time the engine is operated for testing and

maintenance for Engines

Self Report? Citation:

Classification: Moderate 30 TAC Chapter 117, SubChapter B 117.310(c)(1)

30 TAC Chapter 122, SubChapter B 122,143(4) 5C THC Chapter 382, SubChapter D 382.085(b)

Title V O-01253: SC 1.A. OP

Description:

Citation:

failed to meet the CO emission limit of 3.0 g/hp-hr for Engines

Self Report?

Classification: 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Title V O-01253; SC 21. OP

Description:

failed to conduct monthly opacity observations for Stacks

Self Report? Citation:

Classification: Minor 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)

NSR 39142; SC 13.D. PERMIT Title V O-01253; SC 22. OP

Description:

failed to retain records of the vent stream flows to flares

Self Report? Citation:

Classification: 30 TAC Chapter 117, SubChapter B 117.340(b)(1)

30 TAC Chapter 122, SubChapter B 122,143(4) 5C THC Chapter 382, SubChapter D 382.085(b)

Title V O-01253; SC 1.A. OP

Description:

failed to install O2 CEMS for H-13-1421 by the deadline of March 31, 2005

Self Report?

Citation:

Classification: Moderate

30 TAC Chapter 117, SubChapter B 117,340(e) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b)

Title V O-01253; SC 1.A. OP

Description:

failed to install CO CEMS for H-13-1421 by the deadline of March 31, 2005 as

Self Report? Citation:

specified in 30 TAC 117.9020(2)(A)(i)

30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e) 5C THC Chapter 382, SubChapter D 382.085(b)

Title V O-01253; SC 1.A. & 10.F. OP

Description:

failed to continuously monitor CO and NOx emissions from Heater H-13-1480 on

December 12, 2005

Self Report?

Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122,143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1572(c)(3)

5C THC Chapter 382, SubChapter D 382.085(b)

Title V O-01253; SC 1.A. OP

Description:

failed to have valid hourly average data of SO2 emissions

Self Report?

Classification: Minor

Citation:

30 TAC Chapter 115, SubChapter H 115,781(b) 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THC Chapter 382, SubChapter D 382.085(b)

Title V O-01253; SC 1.A. OP

Description:

failed to properly perform fugitive monitoring of components in highly-reactive

volatile organic compound (HRVOC) in September 2005

Self Report?

Citation:

Classification: Moderate 30 TAC Chapter 117, SubChapter B 117,310(c)(1)

30 TAC Chapter 122, SubChapter B 122,143(4)

5C THSC Chapter 382 382,085(b) Title V Permit O-01253, SC 1A OP

Description:

failed to maintain the firing rate limits, which were established as a surrogate parameter to the CO emission limit of 400 ppmvd, for Boilers B-7 and B-11

Classification:

Minor

Classification: Moderate

Moderate

Classification:

Self Report? Citation:

Classification: Moderate 30 TAC Chapter 115, SubChapter H 115.725(a)(1)(C)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b) Title V Permit O-01253, SC 1.M.(i) OP

Description:

failed to meet the hourly firing rate limits for boilers and heaters

Self Report? Citation: 30 TAC Chapter 122, SubChapter B 122,143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.7(b)(1)

5C THSC Chapter 382 382,085(b) Title V Permit O-01253, SC 16.D. OP

Description:

failed to notify the Administrator in writing of the intention to conduct

performance tests for Boilers B-27 and B-28

Citation:

Self Report? NO

Classification: Minor 30 TAC Chapter 117, SubChapter B 117.310(f)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b) Title V Permit O-01253, SC 1.A. OP

Description:

failed to follow the operating restrictions between 6 a.m. and noon for engines

Citation:

Self Report? NO

Classification: Moderate 30 TAC Chapter 117, SubChapter G 117,8040(b)

30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Title V Permit O-01253, SC 1.A. OP

Description:

failed to conduct quarterly sampling for NOx and CO emissions from Engines

DE-27 and DE-34

Citation:

Self Report?

30 TAC Chapter 117, SubChapter B 117.340(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b) Title V Permit O-01253, SC 1.A. OP

Description:

failed to install a totalizing fuel flow meter on Engine DE-27

Self Report? NO

Citation:

30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)

5C THSC Chapter 382 382.085(b) NSR Permit 39142, SC 16.H. PERMIT Title V Permit O-01253, SC 1.A. OP Title V Permit O-01253, SC 22. OP

Description:

failed to repair eight valves and one flange within 15 calendar days

Self Report?

Citation:

Classification:

30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT GGG 60.592(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 5C THSC Chapter 382 382.085(b) NSR Permit 39142, SC 16.E. PERMIT Title V Permit O-01253, SC 1.A, OP Title V Permit O-01253, SC 22. OP

Description:

failed to equip eleven open-ended lines with a plug, a cap, or a second valve.

Self Report?

Classification: Minor

Classification:

Classification:

Classification:

Classification:

Classification: Minor

Minor

Minor

Minor

Citation:

30 TAC Chapter 122, SubChapter B 122,143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)

5C THSC Chapter 382 382.085(b) Title V Permit O-01253, SC 1.A. OP

Description: Self Report?

NO

failed to conduct monthly visual or physical inspections on 28 process drains Classification: Minor

30 TAC Chapter 122, SubChapter B 122.143(4)

Citation:

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.648(c)(6)

5C THSC Chapter 382 382,085(b) Title V Permit O-01253, SC 1.A. OP

Description: Self Report?

Citation:

NO

failed to conduct monthly monitoring on three pumps in light liquid service Classification: Minor

30 TAC Chapter 115, SubChapter H 115,725(d)(4) 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382,085(b) Title V Permit O-01253, SC 1.A. OP

Description:

Citation:

failed to take manual samples for flares

Self Report? NO

30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1564(c)(1)

5C THSC Chapter 382 382.085(b) Title V Permit O-01253, SC 1.A. OP

Description:

failed to continuously monitor the Fluidized Catalytic Cracking Unit (FCCU) Coke

Self Report?

NO Citation:

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b) NSR Permit 39142, SC 67 PERMIT Title V Permit O-01253, SC 22 OP

Description:

failed to keep records of the opacity of emissions from the fluid catalytic cracking

unit (FCCU) scrubber stack G-001 on May 14, 2006

Self Report? Citation:

Classification: Minor 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382,085(b) Title V Permit O-01253, SC 1A OP

Description: Self Report?

Citation:

failed to maintain a gauge/sample hatch on Tank T-321 sealed completely

30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(e)(2)

5C THSC Chapter 382 382.085(b) Title V Permit O-01253, SC 1A OP

Description:

) failed to use the span value of 500 ppm for nitrogen oxides on the North Cogen

(B-15/T-252) continuous emission monitoring system

Citation:

Self Report?

30 TAC Chapter 122, SubChapter B 122,143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1576(d)

5C THSC Chapter 382 382.085(b) Title V Permit O-01253, SC 1A OP

Description:

failed to keep records required by Table 21 for catalytic reforming unit Classification: Minor

Self Report? Citation:

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(e)

5C THSC Chapter 382 382,085(b) Title V Permit O-01253, SC 1A OP

Description:

Citation:

failed to continuously monitor H2S content in the plant fuel gas system

Seif Report?

30 TAC Chapter 115, SubChapter H 115,726(a)(1)

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382,085(b) Title V Permit O-01253, SC 1A OP

Description: failed to develop, implement, and follow a written quality assurance plan for

monitoring requirements relating to HRVOV vent gas control for flares

Classification: Minor

Classification: Minor

Self Report?

Citation:

30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.695(a)(1)

5C THSC Chapter 382 382.085(b) NSR Permit 39142, SC 79 PERMIT Title V Permit O-01253, SC 1A OP Title V Permit O-01253, SC 22 OP

Description: failed to continuously measure and record the exhaust gas temperature of the

South Plant Tail Gas Incinerator G-193 for one hour

Self Report?

Classification: Citation: 30 TAC Chapter 122, SubChapter B 122,143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63,1569(c)(1)

5C THSC Chapter 382 382,085(b) Title V Permit O-01253, SC 1A OP

Description: failed to demonstrate continuous compliance with the work practice standards

Seif Report? Citation:

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382,085(b) NSR Permit 39142, SC 79 PERMIT Title V Permit O-01253, SC 22 OP

Description: failed to keep records of the flame temperature of sulfur recovery unit (SRU)

thermal reactors

Self Report? Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b) NSR Permit 39142, SC 79 PERMIT Title V Permit O-01253, SC 22 OP

Description: failed to keep records of the Sulfur Pit Sweep data

Self Report? Classification: Minor

30 TAC Chapter 116, SubChapter G 116,715(a) Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382,085(b)

NSR Permit 39142, SC 34 PERMIT Title V Permit O-01253, SC 22 OP

Description: failed to maintain the pH of the FCCU caustic scrubbing solution between 8.0 and

9.0

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122,143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60,107(e)

5C THSC Chapter 382 382.085(b) Title V Permit O-01253, SC 1A OP

Description: failed to include excess emissions details for the GOHT SRU/TGU and the South

Plant SRU/TGU in the submittal dated April 28, 2006

Self Report? NO Classification:

Citation: 30 TAC Chapter 122, SubChapter B 122,143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1572(c)(1)

5C THSC Chapter 382 382,085(b) Title V Permit O-01253, SC 1A OP

Description: falled to maintain the continuous parameter monitoring system for the GOHT Tail

Gas Incinerator

Self Report? Classification: Minor

30 TAC Chapter 122, SubChapter B 122.143(4) Citation:

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(a)(1)

5C THSC Chapter 382 382,085(b) Title V Permit O-01253, SC 1A OP

Description: failed to provide notification of start of construction for Reformate Tank T-569

within 30 days following the start of the construction

Self Report? Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1576(d)

5C THSC Chapter 382 382.085(b) NSR Permit 39142, SC 48 PERMIT Title V Permit O-01253, SC 1A OP Title V Permit O-01253, SC 22 OP

Description:

failed to maintain Scrubbing Liquid pH Data or Scrubbing Liquid to Gas Flow Ratio

Data for VC-50

Self Report?

) Classification: Minor 30 TAC Chapter 122, SubChapter B 122.143(4)

Citation:

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382.085(b)

Title V Permit O-01253, General Terms OP

Description:

failed to report all instances of deviations in the deviation reports

Date: 07/09/2008

9/2008 (670867)

Self Report? NO

Classification: Minor

Classification:

Classification: Minor

Classification: Moderate

Classification: Moderate

Minor

Citation: Description: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H) Failure to identify the permit number in the Final Report.

Date: 08/11/2008

Citation:

11/2008 (688850)

CN600127468

Self Report? NO

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646(a)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(b)(1)(i)

5C THSC Chapter 382 382.085(b)

FOP O-01253, Special Term & Condition 1A OP FOP O-01253, Special Term & Condition 22 OP Permit 39142, Special Condition 5D PERMIT

Description:

Citation:

Failure to perform primary seal inspections to Tank 478.

Date: 12/08/2008

(687448)

CN600127468

Self Report? NO

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(4)

5C THSC Chapter 382 382.085(b) FOP O-01253 SC 30A OP NSR 39142 SC 5 PERMIT

Description:

Failure to conduct an inspection of the primary seals for the internal floating roof

of tank T-301 at least every ten years.

Date: 01/06/2009

(706089)

Self Report? NO Citation:

30 TAC Chapter 116, SubChapter G 116.715(a)

39142, Special Condition No. 1 PERMIT

5C THSC Chapter 382 382.085(b)

Description:

Valero failed to prevent the No. 4 Flare from losing its pilots

Self Report? NO

Classification: Moderate 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

5C THSC Chapter 382 382.085(b)

Description:

Citation:

Valero failed to operate the No. 4 Flare with a flame present at all times.

Date: 04/29/2009

(738921)

CN600127468

Self Report? NO

30 TAC Chapter 101, SubChapter A 101.4

5C THSC Chapter 382 382.085(a)

Description:

Citation:

During the investigation on March 6, 2009, it was determined by Investigators Lawdermilk and Whelan that the dust from the Valero Refining Texas City Refinery contractor parking lot, between 16th and 17th Streets, Texas Avenue

created a "nuisance" condition.

CN600127468 Date: 09/17/2009 (749687)

Self Report? NO Classification: Moderate

30 TAC Chapter 115, SubChapter F 115.541(a)(1)(B) Citation:

5C THSC Chapter 382 382.085(b)

Valero Texas City failed to properly degas Tank 447 from 11/28/2007 through Description:

12/03/2007.

CN600127468 (804675) Date: 10/31/2009

Self Report? YES Classification: Citation: 2D TWC Chapter 26, SubChapter A 26,121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/15/2010 CN600127468 (785848)

Self Report? Classification: Moderate

30 TAC Chapter 116, SubChapter G 116.715(a) Citation:

5C THSC Chapter 382 382.085(b) Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Valero failed to prevent the

shutdown of the Train 1 Flare Gas Recovery System during maintenance

Moderate

Date: 01/29/2010 (785853)CN600127468

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116,715(a)

5C THSC Chapter 382 382.085(b) Special Condition No. 1 PERMIT

Description: Valero failed to maintain a flame on the No. 2 Flare Stack at all times.

Self Report? NO Classification:

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2) Citation:

5C THSC Chapter 382 382.085(b)

Description: Valero failed to maintain a flame on the No. 2 Flare Stack at all times.

Date: 02/25/2010 CN600127468 (747260)

Self Report? Classification: Minor

30 TAC Chapter 122, SubChapter B 122.143(4) Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)(3)(v)

5C THSC Chapter 382 382.085(b) FOP O-01253 STC 1A OP

Description: Valero failed to update the Startup, Shutdown, Malfunction Plan (SSMP) at the

reforming unit and FCCU Belco Scrubber.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

GTC OP

STC 3. A (iv) and 3. B (iv) OP

Valero failed to conduct periodic monitoring of stationary vents subject to the Description:

periodic monitoring requirements.

Self Report? NO Classification: Minor

30 TAC Chapter 115, SubChapter E 115,412(1)(A) Citation:

30 TAC Chapter 122, SubChapter B 122,143(4)

5C THSC Chapter 382 382.085(b)

STC 1A OP

Description: Valero failed to cover a degreaser during monthly inspections.

Self Report? Classification: Minor

30 TAC Chapter 115, SubChapter H 115.725(d)(4) Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

STC 1H OP

Description: Valero failed to take manual sample when an analyzer on flare FL-5 and failed to

calibrate flow meter probe on flare FL-2.

Self Report? Classification: Minor Citation: 30 TAC Chapter 122, SubChapter B 122,143(4)

5C THSC Chapter 382 382,085(b)

FOP O-01253 STC 30 OP NSR 39142 SC 12D PERMIT

Description:

Valero failed to operate flare flow monitors when the flow monitors at FL-3 and

Classification: Minor

Classification: Moderate

Classification: Minor

Minor

FL-4 were taken out of service for maintenance activities,

Self Report?

Citation:

NO

30 TAC Chapter 116, SubChapter G 116,715(a)

30 TAC Chapter 122, SubChapter B 122,143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60,105(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63,1564(b)(1)

5C THSC Chapter 382 382.085(b)

SC 33 PERMIT STC 1A OP STC SC 30 OP

Description:

Citation:

Valero failed to record and maintain data due to problems with Aspen systems

when the FCCU scrubber (G-001) pH, flow rate, and coke burn rate data were

Self Report?

lost due to DCS problems.

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b)

SC 33 PERMIT STC 30 OP

Description:

Valero failed to operate within the required concentration limit when the FCCU scrubber concentration was not between 8.0 and 9.0 during off-line CEM times.

Self Report? Citation:

NO

Classification: Minor 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

5C THSC Chapter 382 382.085(b)

SC 13E PERMIT SC 14E PERMIT

Description:

Valero failed to cap 399 open-ended lines at various units across the refinery.

Violation Category C10.

Self Report?

NO Citation:

Classification: Moderate 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(2)

5C THSC Chapter 382 382.085(b)

SC 14H PERMIT STC 1A OP STC 30 OP

Description:

Valero failed to comply with the first repair attempt and final repair timeline

requirements for fugitive components.

Citation:

Self Report?

Classification: Minor 30 TAC Chapter 115, SubChapter H 115.764(a)(3)

5C THSC Chapter 382 382.085(b)

STC 1H (iv) OP

Description:

Citation:

Valero failed to operate Cooling Tower No. 4 (CT-4) flow meter 95% of the time.

Self Report?

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

SC 28A PERMIT STC 30 OP

Description:

Citation:

Valero failed to sample SRU for ammonia.

Self Report?

NO

Classification:

30 TAC Chapter 117, SubChapter B 117.345(f)(6)(B) 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

STC 1A OP

Valero failed to operate diesel engine DE-27 within the allowable limits when it Description:

exceeded its exemption limit of hours on a 12 month basis.

Self Report?

Classification:

Citation:

30 TAC Chapter 117, SubChapter B 117.310(f)

30 TAC Chapter 122, SubChapter B 122,143(4)

5C THSC Chapter 382 382.085(b)

Description: Self Report? Valero failed to operate diesel engines during authorized time periods.

Citation:

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THSC Chapter 382 382.085(b)

SC 20 PERMIT STC 30 OP

Description:

Valero failed to operate Gasoil Hydrotreater (GOHT) Sulfur Recovery unit (SRU)

Classification: Moderate

incinerator within the required temperature limit (Category B18 violation). Classification: Minor

Self Report? NO Citation:

30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)

5C THSC Chapter 382 382.085(b)

Description:

Valero failed to operate the fuel gas system within the allowable H2S limit of 0.1

grains per dry standard cubic feet (gr/dscf).

F. Environmental audits.

Notice of Intent Date: 06/02/2008 (684099)

No DOV Associated

Notice of Intent Date: 08/29/2008 (704521)

No DOV Associated

Notice of Intent Date: 01/12/2009 (735551)

No DOV Associated

Notice of Intent Date: 01/24/2010 (797835)

No DOV Associated

G. Type of environmental management systems (EMSs).

Н. Voluntary on-site compliance assessment dates.

N/A

Participation in a voluntary pollution reduction program.

Early compliance.

N/A

Sites Outside of Texas

N/A

Compliance History Report

Customer/Respondent/Owner-Operator: Regulated Entity:	CN600127468 RN100214386	Valero Refining-Texas, L.P VALERO CORPUS CHRIS WEST PLANT	. Classification: AVERAGE STI REFINERY Classification: AVERAGE	Rating: 9.90 Site Rating: 5.35
ID Number(s):	AIR OPERATIN	G PERMITS	ACCOUNT NUMBER	NE0112G
	AIR OPERATIN	G PERMITS	PERMIT	1458
	AIR OPERATIN	G PERMITS	PERMIT	2601
	INDUSTRIAL AI	ND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30478
	INDUSTRIAL AI GENERATION	ND HAZARDOUS WASTE	EPA ID	TXD074604166
	AIR NEW SOUR	RCE PERMITS	PERMIT	38754
	AIR NEW SOUR	RCE PERMITS	ACCOUNT NUMBER	NE0112G
	AIR NEW SOU	RCE PERMITS	PERMIT	1507A
	AIR NEW SOUT	RCE PERMITS	PERMIT	10157
	AIR NEW SOU	RCE PERMITS	PERMIT	10496
	AIR NEW SOU	RCE PERMITS	PERMIT	10642
	AIR NEW SOU	RCE PERMITS	PERMIT	10777
	AIR NEW SOU	RCE PERMITS	PERMIT	12722
	AIR NEW SOU	RCE PERMITS	PERMIT	12844
	AIR NEW SOU	RCE PERMITS	PERMIT	16552
	AIR NEW SOU	RCE PERMITS	PERMIT	20740
	AIR NEW SOU	RCE PERMITS	PERMIT	20992
	AIR NEW SOU		PERMIT	23633
	AIR NEW SOU		PERMIT	29272
•	AIR NEW SOU		PERMIT	33323
	AIR NEW SOU		PERMIT	36004
	AIR NEW SOU		PERMIT	37375
	AIR NEW SOU		PERMIT	39505
	AIR NEW SOU		PERMIT	46918
	AIR NEW SOU		PERMIT	49888
	AIR NEW SOU		PERMIT	55362
	AIR NEW SOU		EPA ID	PSDTX324M9
	AIR NEW SOU		EPA ID	PSDTX324M10
	AIR NEW SOU		PERMIT AFS NUM	55688
	AIR NEW SOU			4835500050 PSDTX324M11
·		RCE PERMITS RCE PERMITS	EPA ID REGISTRATION	71034
		RCE PERMITS	EPA ID	PSDTX324M8
		RCE PERMITS	PERMIT	55294
		RCE PERMITS	EPA ID	PSDTX324M12
		IRCE PERMITS	REGISTRATION	77580
		RCE PERMITS	REGISTRATION	77944
		IRCE PERMITS	REGISTRATION	80027
		IRCE PERMITS	REGISTRATION	81549
		IRCE PERMITS	REGISTRATION	84572
		IRCE PERMITS	REGISTRATION	86443
		IRCE PERMITS	REGISTRATION	87894
	WASTEWATE		PERMIT	WQ0001909000
	WASTEWATE		EPA ID	TPDES0063355
	WASTEWATE	R	PERMIT	TX0063355
	WASTEWATE	R LICENSING	LICENSE	WQ0001909000

PERMIT

TXR05S045

STORMWATER

SOLID WASTE REGISTRATION #

30478

(SWR)

Location:

5900 UP RIVER RD, CORPUS CHRISTI, TX, 78407

TCEQ Region:

REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared:

April 24, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

April 24, 2004 to April 24, 2009

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

John Muennink

Phone:

(361) 825-3423

Site Compliance History Components

Has the site been in existence and/or operation for the full five year compliance period? 1.

2 Has there been a (known) change in ownership/operator of the site during the compliance period? Nο

If Yes, who is the current owner/operator? 3.

If Yes, who was/were the prior owner(s)/operator(s)? 4.

N/A

When did the change(s) in owner or operator occur? 5.

N/A

Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site:

Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government. A.

Effective Date: 11/23/2005

COURTORDER

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

Description: Failed to maintain sulfate emissions from the heavy oil cracker (HOC), emission point

number (EPN) 121 at levels at or below 58.3 pounds per hour.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.6(a)(1)

Description: Failure to notify the TNRCC's regional office within 24 hours after the discovery of an upset.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.110(a)

Description: Failure to meet exemption requirments for upset emissions, resulting in unauthorized

emissions

Classification: Major

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 116, SubChapter G 116.715(c)(7) 5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Emission CAP Limit PERMIT

Special Condition No. 54 PERMIT

Description: Failure to comply with General and Special conditions of Permit Nos. 38754 and

PSD-TX-324M10. Specifically, unauthorized emissions of hydrogen sulfide, sulfur dioxide, and ammonia

released during four emissions events that occurred on September 1, 2004.

Effective Date: 07/13/2007

ADMINORDER 2007-0028-IWD-E

Classification: Major

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rgmt Prov: PC(2)(g) PERMIT

Description: Failure to prevent the unauthorized discharge of slop oil and wastewater to the

environment.

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(9)

Rqmt Prov: RR(7)(a) PERMIT

Description: Failure to provide notification of the unauthorized discharge of slop oil and wastewater to

the environment as required by permit WQ0001909-000.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(19)

Rqmt Prov: PC(1)(a) PERMIT

Description: Failure to submit correct facts and information in its Permit Application (renewal) dated May

25, 2004, and failure to notify the Executive Director of the correct facts and information.

Effective Date: 04/03/2008

ADMINORDER 2007-1483-AIR-E

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter G 116.715(a)

5C THC Chapter 382, SubChapter D 382.085(b)

Rgmt Prov: TCEQ Air Flexible Permit No. 38754 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 35,136.47 lbs of SO2, 613.1. lbs of VOCs, 257.95 lbs of CO, 381.45 lbs H2S, 114.11 lbs NOx, 5.67 lbs of ammonia and 141.37 lbs of hexane from the Acid Gas Flare and the Main Flare during an avoidable emissions event that began February 27, 2007 and lasted 19 hrs and 40 minutes.

B. Any criminal convictions of the state of Texas and the federal government,

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

wı	dates of invocag	anono. To c
1	04/26/2004	(309917)
2	04/26/2004	(309925)
3	05/18/2004	(309921)
4	06/12/2004	(309923)
5	07/01/2004	(270362)
6	07/01/2004	(277794)
7	08/17/2004	(289440)
8	08/24/2004	(357962)
9	09/16/2004	(286828)

11 10/20/2004 (357964) 12 10/20/2004 (357967) 13 10/22/2004 (335486)

(357963)

10 09/16/2004

14 11/18/2004 (357965) 15 11/23/2004 (341603) 16 12/06/2004 (342954)

17 12/20/2004 (357966) 18 01/24/2005 (347892)

19 02/16/2005 (350569)

20 02/18/2005 (385070)

21 03/07/2005 (373370) 22 03/15/2005 (373594)

23 03/17/2005 (385071)

24 04/01/2005 (376012)

25 04/18/2005 (583161)

26 05/12/2005 (380791)

27 05/18/2005 (380544)

28 05/19/2005 (583164) 29 05/25/2005 (393344)

29 05/25/2005 (393344) 30 06/16/2005 (395612)

31 06/20/2005 (583167)

32 06/29/2005 (397403)

33 06/29/2005 (397984)

34 06/30/2005 (395371) 35 07/01/2005 (395376)

36 07/20/2005 (583170)

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37 07/22/2005	(400525)
38 07/28/2005	(402169)
39 08/13/2005	(404652)
40 08/13/2005	(404858)
41 08/19/2005	(404027)
42 08/19/2005	(405534)
43 08/19/2005	(583173)
44 08/26/2005	(406126)
45 08/29/2005	(406253)
46 08/31/2005	(400938)
47 08/31/2005	(406090)
48 09/19/2005	(583175)
49 09/21/2005	(431540)
50 09/21/2005	(432140)
51 11/18/2005	(583179)
52 12/15/2005	(583177)
53 12/19/2005	(439303)
54 12/21/2005	(583181)
55 01/20/2006	(451440)
56 01/24/2006	(583183)
57 02/01/2006	(435482)
58 02/21/2006	(583157)
59 03/01/2006	(450492)
60 03/17/2006	(583159)
61 03/27/2006	(459945)
62 04/24/2006	(583162)
63 05/23/2006	(583165)
64 06/18/2006	(583171)
65 06/21/2006	(583168)
66 07/07/2006	(485450)
67 07/12/2006	(485630)
68 08/07/2006	(481848)
69 08/14/2006	(482853)
70 08/16/2006	(497159)
71 08/16/2006	(497523)
72 08/18/2006	(583174)
73 08/23/2006	(483649)
74 08/31/2006	(450609)
75 08/31/2006	(511046)
76 09/18/2006	(583176)
77 10/20/2006	(483955)
78 10/20/2006	(583178)
79 11/02/2006	(517526)
80 11/17/2006	(583180)
81 12/13/2006	(532743)
	(583182)
83 12/20/2006	(482975)
84 01/05/2007	(535816)
85 01/11/2007	(535323)
86 01/19/2007	(583184)
87 01/24/2007	(537029)
88 02/01/2007	(538731)
89 02/08/2007	(539006)
90 02/16/2007	(540900)
91 02/16/2007	(583158)
92 03/08/2007	(540725)
93 03/19/2007	(583160)
94 04/20/2007	(583163)
95 05/15/2007	(557031)

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96 05/21/2007
                   (583166)
 97 05/22/2007
                   (557035)
 98 06/19/2007
                   (583169)
 99 06/29/2007
                    (560992)
100 07/03/2007
                    (566581)
101 07/11/2007
                    (557176)
102 07/11/2007
                    (566079)
103 07/18/2007
                    (583172)
104 07/27/2007
                    (567691)
105 08/08/2007
                    (514284)
106 08/08/2007
                    (539377)
107 08/28/2007
                    (562022)
108 09/14/2007
                    (565956)
109 10/02/2007
                    (514528)
110 10/09/2007
                    (595450)
111 10/15/2007
                    (608382)
112 10/19/2007
                    (596871)
113 10/22/2007
                    (608381)
114 11/06/2007
                    (595861)
115 01/23/2008
                    (612779)
116 02/26/2008
                    (612679)
117 04/07/2008
                    (641587)
118 04/08/2008
                    (638701)
119 04/15/2008
                    (646179)
120 05/22/2008
                    (670929)
121 06/13/2008
                    (682875)
122 08/22/2008
                    (646255)
123 08/25/2008
                    (699662)
124 08/28/2008
                    (641497)
125 10/30/2008
                    (706187)
126 11/24/2008
                    (706186)
127 12/18/2008
                    (709825)
128 12/22/2008
                    (721338)
129 12/23/2008
                    (682877)
130 01/09/2009
                    (708321)
131 01/13/2009
                    (722749)
132 01/15/2009
                    (708931)
133 02/26/2009
                    (636579)
134 02/27/2009
                    (701555)
135 02/27/2009
                    (736312)
136 03/06/2009
                    (686483)
137 03/12/2009
                    (736366)
 138 03/13/2009
                    (737725)
139 03/26/2009
                    (704382)
 140 04/06/2009
                    (740409)
 141 04/14/2009
                    (721022)
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E. Written notices of violations (NOV), (CCEDS Inv. Track. No.)

Date: 04/30/2004 (309921)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/02/2004 (270362)

Self Report? NO Classification: Moderate

Citation: TPDES Permit No. 01909 PERMIT

TWC Chapter 26 26.121

Description: Failure to prevent a discharge of wastewater and process area storm water

from entering the Corpus Christi Inner Harbor.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)
TPDES Permit No. 01909 PERMIT

Tibles to subsell a william neliciation of a name

Description: Failure to submit a written notification of a noncompliance within five working days of becoming aware of the noncompliance. On April 25, 2004, the facility received approximately 6 inches of rainfall in a two hour period which resulted in

the discharge of wastewater and process area stormwater.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TPDES Permit No. 01909 PERMIT

Description: Failure to maintain the chlorine residual within the permitted limit of at least 1.0

mg/l. On the morning of May 3, 2004, a grab sample taken from outfall 005

measured 0.001 mg/l.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TPDES Permit No. 01909 PERMIT

Description: Failure to maintain the flow of effluent within the permitted limit at outfall 003. A

2.89 MGD flow was reported for April 25, 2004 due to heavy rainfall in the area.

The 24-hour flow limit is 2,79 million gallons (MGD).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TPDES Permit No. 01909 PERMIT

Description: Failure to meet the effluent limit of 200 mg/l for chemical oxygen demand (COD) at

storm water outfall 011. On December 12, 2003, a grab sample taken from outfall

011 measured 404 mg/l of COD.

Date: 08/16/2004 (289440)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii) 30 TAC Chapter 116, SubChapter B 116.115(c)

38754/PSD-TX-324M11 PERMIT

Description: Failure to prevent visible emissions from two flares (EPNs 127 and 158) as

reported on January 23, 2004 in incident 33729 and on March 30, 2004 in incident

37226 respectively.

Date: 05/31/2005 (583167)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (583171)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2006 (450609)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)(D)

Description: Failure to submit an accurate and complete Permit Compliance Certification

including or referencing the identification of all terms and conditions of the permit

for which compliance was not achieved.

Date: 12/31/2006 (583184)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date: 04/23/2007 (557176)

Classification: Moderate Self Report? NO

30 TAC Chapter 335, SubChapter A 335.4(1) Citation:

Failure to obtain commission authorization prior to an activity of collection, Description:

handling, storage, processing, or disposal of industrial solid waste.

(557031) Date: 05/15/2007

Self Report? NO Classification: Moderate

Permit Conditions 2.g. PERMIT Citation:

TWC Chapter 26 26.121

Failure to prevent two unauthorized discharges from the wastewater system or Description:

through a permitted outfall.

Self Report? NO Classification: Moderate

30 TAC Chapter 305, SubChapter F 305,125(9) Citation:

Monitoring and Reporting Reg., 7. PERMIT

Failure to provide notification to the TCEQ in accordance with permit provisions. Description:

Self Report? Classification: Moderate NO

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations PERMIT

Failure to meet permit limitation for Chemical Oxygen Demand (COD) at Outfall 006 Description:

Classification: Minor

on December 7, 2006.

Self Report? NO 30 TAC Chapter 305, SubChapter F 305,124

Citation: Permit Conditions, 2.a. PERMIT

Failure to sample Outfall 002 weekly when discharge occurs. Description:

Date: 05/31/2007 (583169)

Classification: Moderate Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)

Failure to meet the limit for one or more permit parameter Description:

Date: 07/10/2007 (557176)

Self Report? Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1) 40 CFR Chapter 265, SubChapter I, PT 265, SubPT CC 265.1090(f)

Failure to provide documentation verifying exemption status.

Description: Classification: Moderate Self Report? NO

30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B) Citation:

40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.191

Failure to comply with assessment of existing tank system's integrity. Description:

Self Report? Classification: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B)

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.194(b)

Failure to comply with general operating requirements. Description: Classification: Moderate Self Report? NO

30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B) Citation:

40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195

Failure to comply with cathodic protection inspection and schedule. Description:

Date: 09/30/2007 (608381)

Classification: Moderate Self Report? YES

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter Description:

Date: 11/06/2007 (595861)

Self Report? Classification: Moderate

30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B) Citation:

40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.191

Failure to comply with assessment of existing tank system's integrity. Description:

Classification: Moderate Self Report? 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(B) Citation:

40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.195

Failure to comply with cathodic protection inspection and schedule. Description:

Date: 02/26/2008 (612679)

Self Report? NO Classification: Minor

30 TAC Chapter 122, SubChapter B 122.143(4) Citation:

30 TAC Chapter 122, SubChapter B 122.145(2)(C)

5C THSC Chapter 382 382.085(b)

Description: Failure to submit a deviation report no later than 30 days after the end of the

each reporting period. Specifically, the deviation report for the period of August

8, 2006 through February 7, 2007, due no later than March 7, 2007, was

submitted late on March 15, 2007.

Self Report? Classification: Minor

Citation: 30 TAC Chapter 113, SubChapter C 113,340 30 TAC Chapter 122, SubChapter B 122,143(4)

> 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63,640(n)(8) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63,646 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63,119(b)

5C THSC Chapter 382 382,085(b)

Description: Failure to conduct storage vessel inspections according to the frequency

stipulated in provisions of applicable regulations.

Self Report? NO Classification: Minor

30 TAC Chapter 113, SubChapter C 113.340 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.640(n)(8)

5C THSC Chapter 382 382.085(b)

Description: Failure to conduct storage vessel inspections according to the frequency

stipulated in provisions of applicable regulations.

Self Report? Classification: Minor

30 TAC Chapter 113, SubChapter C 113.340 Citation:

30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.640(n)(8)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT AA 63.646

5C THSC Chapter 382 382.085(b)

Description: Failure to equip affected openings of storage vessels with devices which close

off liquid surface area from atmosphere.

Self Report? Classification: Moderate Citation: 30 TAC Chapter 113, SubChapter C 113.130

30 TAC Chapter 115, SubChapter D 115.322(2)

30 TAC Chapter 116, SubChapter G 116,715(a) 30 TAC Chapter 122, SubChapter B 122,143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60,482-7(a)

40 CFR Part 63, Subpart H 63,168 5C THSC Chapter 382 382.085(b) Flex NSR 38754 SC 32 & 33 PA

Description: Failure to repair leaking components in a timely manner according to applicable

requirements.

Self Report? NO Classification: Minor

30 TAC Chapter 115, SubChapter D 115,322(4) Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

5C THSC Chapter 382 382.085(b) Flex NSR 38754 SC 32(E) PA

Description: Failure to properly equip and operate each open-ended line (OELs) with a cap,

blind flange, plug or a second valve.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122,143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(2)

5C THSC Chapter 382 382.085(b)

Description: Failure to conduct monthly inspection of drain water seal controls.

Date: 11/24/2008 (706186)

Self Report? NO Classification: Moderate Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Effluent Limitations and Monitoring Reg. PERMIT

Description:

Failure to meet permit limitations for one or more parameters on five separate

Discharge Monitoring Reports (DMRs) between November, 2007, and October,

2008

F. Environmental audits.

Notice of Intent Date: 03/05/2008 (640797)

No DOV Associated

Notice of Intent Date: 05/12/2008 (682226)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	Š	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
VALERO REFINING-TEXAS, L.P.	§	
RN100214386; RN100238385	8	ENVIRONMENTAL OUALITY

AGREED ORDER DOCKET NO. 2010-0924-AIR-E

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Valero Refining-Texas, L.P. ("the Respondent") under the authority of Tex. Health & Safety Code ch. 382 and Tex. Water Code ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

- 1. The Respondent owns and operates petroleum refineries at the following locations (collectively known as the "Plants"):
 - a. 5900 Up River Road in Corpus Christi, Nueces County, Texas ("Plant 1"); and

- b. 1301 Loop 197 South in Texas City, Galveston County, Texas ("Plant 2").
- 2. The Plants consist of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
- 3. During a record review conducted December 10, 2008 through April 6, 2009 at Plant 1, TCEQ staff documented that:
 - a. The Respondent released 897,677 pounds ("lbs") of volatile organic compounds ("VOC"), including 14,615 lbs of hazardous air pollutants ("HAP"), from a leak in a product exchanger (Equipment No. 22-E-07) in the Heavy Oil Cracking ("HOC") Unit Cooling Tower during an emissions event (one event reported as Incident Nos. 111485 and 118109) that began May 27, 2008 and lasted 2,382 hours. The leak was discovered on May 27, 2008 and repaired September 3, 2008. The cause of the leak could not be determined based on information provided. The TCEQ determined that the emissions event was excessive;
 - b. The Respondent released 245,159 lbs of VOCs, including 51,829 lbs of HAPs, from a leak in a product exchanger (Equipment No. 22-E-18B) in the HOC Unit Cooling Tower during an emissions event (Incident No. 114252) that began September 18, 2008 and lasted 229 hours and 30 minutes. The cause of the leak could not be determined based on information provided. The TCEQ determined that the emissions event was excessive; and
 - c. The initial notification for the event that was discovered on May 27, 2008 was not reported until December 24, 2008 (as Incident No. 118109) after the identification of an error in calculations determined that the event was reportable. The final report for Incident No. 118109 was submitted on January 7, 2009. In December 2008, it was also determined that the incident reported as Incident No. 111485, with an end date of September 3, 2008, was a continuation of Incident No. 118109.
- 4. During an investigation conducted on December 28, 2009 at Plant 2, TCEQ staff documented that:
 - a. The Respondent released 553.8 lbs of nitrogen oxides, 31,498 lbs of sulfur dioxide ("SO2"), 120.7 lbs of ammonia, 4,000.4 lbs of carbon monoxide, 1,259.5 lbs of hydrogen sulfide ("H2S"), and 37,597.4 lbs of VOC into the atmosphere due to the failure of a coupling on a crude charge pump to the No. 3 Crude Unit during startup that resulted in a fire (Incident No. 133651). The emissions event that occurred on December 24, 2009, lasted three hours and 56 minutes. The TCEQ determined that the emissions event could have been avoided by bettter operational practices; and

- b. The Respondent failed to include the compound descriptive types in the final report. Specifically, the Respondent did not include all individually listed contaminants from all emission points involved in the emissions event for Incident No. 133651.
- During an investigation conducted on March 17, 2010 at Plant 2, TCEQ staff documented that the Respondent released 1,999.90 lbs of SO2 and 21.66 lbs of H2S into the atmosphere due to the pressure build-up in the No. 2 Tail Gas Unit Absorber which resulted in amine carryover from the tower (Incident No. 134380). The emissions event, which began on January 12, 2010, lasted 48 hours. The TCEQ determined that the emissions event could have been avoided by better operational practices.
- 6. The Respondent received notices of the violations on April 19, 2009, May 26, 2010, and May 29, 2010.
- 7. The Executive Director recognizes that the Respondent has implemented the following corrective measures at Plant 1:
 - a. Submitted a Corrective Action Plan on June 12, 2009; which was revised, approved, and implemented by April 15, 2011; in response to Incident Nos. 111485, 118109, and 114252 at the HOC Unit Cooling Tower; and
 - b. Reviewed, updated and re-trained, as necessary, its emissions event calculating and reporting procedures by January 7, 2009.

II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 3.a., the Respondent failed to prevent unauthorized emissions, in violation of 30 Tex. Admin. Code § 116.715(a) and (c)(7), Tex. Health & Safety Code § 382.085(b) and Flexible Permit Nos. 38754 and PSDTX324M13, Special Conditions No. 1. Since this emissions event was determined to be excessive and it was improperly reported, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.
- As evidenced by Findings of Fact No. 3.b., the Respondent failed to prevent unauthorized emissions, in violation of 30 Tex. Admin. Code § 116.715(a) and (c)(7), Tex. Health & Safety Code § 382.085(b) and Flexible Permit Nos. 38754 and PSDTX324M13, Special Conditions No. 1. Since this emissions event was determined to be excessive, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

- 4. As evidenced by Findings of Fact No. 3.c., the Respondent failed to submit the initial notification and final report for an emissions event initially reported as two incidents (Incident Nos. 118109 and 111485) in a timely manner, in violation of 30 Tex. ADMIN. CODE § 101.201(a)(1), (b) and (c) and Tex. Health & Safety Code § 382.085(b).
- As evidenced by Findings of Fact No. 4.a., the Respondent failed to prevent unauthorized emissions, in violation of 30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), Tex. Health & Safety Code § 382.085(b), and Flexible Permit Nos. 39142 and PSDTX822M2, Special Conditions No. 1. Since the emissions event was avoidable by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.
- 6. As evidenced by Findings of Fact No. 4.b., the Respondent failed to include the compound descriptive types in the final report, in violation of 30 Tex. Admin. Code § 101,201(b)(1)(G) and Tex. Health & Safety Code § 382.085(b).
- As evidenced by Findings of Fact No. 5, the Respondent failed to prevent unauthorized emissions, in violation of 30 Tex. Admin. Code §§ 116.715(a) and 101.20(3), Tex. Health & Safety Code § 382.085(b), and Flexible Permit Nos. 39142 and PSDTX822M2, Special Conditions No. 1. Since the emissions event was avoidable by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.
- 8. Pursuant to Tex. Water Code § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 9. An administrative penalty in the amount of Five Hundred Ninety-One Thousand Seven Hundred Ninety-Eight Dollars (\$591,798) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Water Code § 7.053. The Respondent has paid Two Hundred Ninety-Five Thousand Eight Hundred Ninety-Nine Dollars (\$295,899) of the administrative penalty. Two Hundred Ninety-Five Thousand Eight Hundred Ninety-Nine Dollars (\$295,899) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Five Hundred Ninety-One Thousand Seven Hundred Ninety-Eight Dollars (\$591,798) as set forth in Section II, Paragraph 9 above, for violations of TCEQ rules and state statutes. The

payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Valero Refining-Texas, L.P., Docket No. 2010-0924-AIR-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall implement and complete a SEP in accordance with Tex. WATER CODE § 7.067. As set forth in Section II, Paragraph 9 above, Two Hundred Ninety-Five Thousand Eight Hundred Ninety-Nine Dollars (\$295,899) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provision of the SEP agreement.
- 3. It is further ordered that the Respondent shall undertake the following technical requirements at Plant 2:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement measures designed to prevent a recurrence of emissions events due to the same cause as Incident No. 133651;
 - ii. Implement procedures to ensure that the final record for a reportable emissions event complies with 30 Tex. Admin. Code § 101.201(b)(1); and
 - iii. Implement measures designed to prevent a recurrence of emissions events due to the same cause as Incident No. 134380.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification demonstrating compliance with Ordering Provision No. 3.a. The certification shall include detailed supporting documentation including receipts, monitoring records, training records, and/or other records to demonstrate compliance.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with copies to:

Air Section, Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plants' operations referenced in this Agreed Order.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

- 7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 10. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't Code § 2001.142.

For the Commission

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

I, the undersigned, have read and understand the attach Refining-Texas, L.P. I am authorized to agree to the att Refining-Texas, L.P., and do agree to the specified term that the TCEQ, in accepting payment for the penalty representation.	tached Agreed Order on behalf of Valero s and conditions. I further acknowledge
I understand that by entering into this Agreed Order, Vaprocedural rights, including, but not limited to, the right by this Agreed Order, notice of an evidentiary hearing, the right to appeal. I agree to the terms of the Agreed This Agreed Order constitutes full and final adjudication forth in this Agreed Order.	t to formal notice of violations addressed the right to an evidentiary hearing, and Order in lieu of an evidentiary hearing.
I also understand that failure to comply with the Or and/or failure to timely pay the penalty amount, may read A negative impact on compliance history; Greater scrutiny of any permit applications submarked Referral of this case to the Attorney General's additional penalties, and/or attorney fees, or to a Increased penalties in any future enforcement as Automatic referral to the Attorney General's O and TCEQ seeking other relief as authorized by law.	sult in: nitted; s Office for contempt, injunctive relief, a collection agency; ctions;
In addition, any falsification of any compliance docume	nts may result in criminal prosecution.
Dann Jum	6-14-# Date
Signature	Date
Salvature Viscontini	SUP # Gen Mgr.
Name (Printed or typed)	Title
Authorized Representative of Valero Refining-Texas, L.P.	
valeto Remning-Texas, L.F.	

For the Commission

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

O d Ha	8/18/11
For the Executive Director	Date
Refining-Texas, L.P. I am authorized to agree Refining-Texas, L.P., and do agree to the spec	the attached Agreed Order in the matter of Valero e to the attached Agreed Order on behalf of Valero cified terms and conditions. I further acknowledge he penalty amount, is materially relying on such
procedural rights, including, but not limited to by this Agreed Order, notice of an evidentiar the right to appeal. I agree to the terms of t	d Order, Valero Refining-Texas, L.P. waives certain o, the right to formal notice of violations addressed y hearing, the right to an evidentiary hearing, and he Agreed Order in lieu of an evidentiary hearing, djudication by the Commission of the violations set
I also understand that failure to comply wi and/or failure to timely pay the penalty amou • A negative impact on compliance histo	
 Greater scrutiny of any permit applica 	tions submitted;
additional penalties, and/or attorney i	
 Increased penalties in any future enformatic referral to the Attorney G 	rcement actions; eneral's Office of any future enforcemient actions;
and TCEQ seeking other relief as authorize	od by lovy
	ce documents may result in criminal prosecution.
(Jeustain	6/8/11
Signature	Daté
Denns laine	V. P. Gen My
Name (Printed or typed) Authorized Representative of	Title
Valero Refining-Teyes I. P	

Attachment A Docket Number: 2010-0924-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Valero Refining-Texas, L.P.

Penalty Amount: Five Hundred Ninety-One Thousand Seven

Hundred Ninety-Eight Dollars (\$591,798)

SEP Offset Amount: Two Hundred Ninety-Five Thousand Eight

Hundred Ninety-Nine Dollars (\$295,899)

Type of SEP: Pre-approved

Third-Party Recipient: Texas PTA - Texas PTA Clean School Buses

Location of SEP: Texas Air Quality Control Region 214 – Corpus

Christi-Victoria (Nueces County preferred)

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to **Texas PTA** for the *Texas PTA Clean School Bus Program* as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to reimburse local school districts for the cost of the following activities to reduce emissions: 1) replacing older diesel buses with alternative fueled or clean diesel buses; or 2) retrofitting older diesel buses with new, cleaner technology. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

Valero Refining-Texas, L.P. Agreed Order - Attachment A

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing particulate emissions from buses by more than 90% below today's level and by reducing hydrocarbons.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution to:

Director of Finance Texas PTA 408 W. 11th Street Austin, Texas 78701

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

Valero Refining-Texas, L.P. Agreed Order - Attachment A

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The Respondent shall make the payment for the amount due to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division Attention: SEP Coordinator, MC 175 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

